

EDITORIAL

INDIRA AND THE TEMPLE OF DOOM

That said, Gandhi should get some support for her difficult task of keeping India strong and whole. Pakistan and China, which have opportunistically sided with the Sikhs in hopes of destabilizing India, have an ally in Washington who is no friend of Indian nonalignment. Just last week, President Reagan met with another potential opponent of India, President J.R. Jayewardene of Sri Lanka. As her external foes rally, Gandhi has all she can do to deal with her internal crises. A less repressive approach would serve her well on both fronts.

CYNDI LAUPER
Dave Marsh

THE RABBI VS. THE AIR FORCE ON ACCOUNT OF A YARMULKE

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EXCHANGE.

The A.C.L.U. and the F.O.I.A. Bill

From the time it was first suggested in the late 1970s, the idea that Central Intelligence Agency files might in some way be exempted from the Freedom of Information Act has stirred vigorous debate, protests and periodic angry accusations among civil libertarians and C.I.A. critics. Although the C.I.A. got nowhere with its original proposal that its files be entirely exempt, last fall a controversial bill to exempt "operational files" was introduced in the Senate. An exchange appeared in The Nation at that time, in which charges that the American Civil Liberties Union had cut a deal with the C.I.A. to help pass the legislation were met with a flat denial [see Angus Mackenzie, "The Operational Files Exemption" and Morton H. Halperin and Allan Adler, "There Is No Deal," September 24, 1983].

This spring, when hearings on a revised version of the bill were held before various House committees, the dispute flared again. On June 2 we published "The Case for the New F.O.I.A. Bill," by A.C.L.U. national executive director Ira Glasser, explaining the organization's reasons for supporting the legislation. Since then, various groups concerned with open information and at least one local chapter of the A.C.L.U. have expressed reservations—and alarm—about the national office's position. On June 5 in Los Angeles, Morton Halperin, director of the A.C.L.U.'s National Security Project in Washington, addressed the executive committee of the organization's 20,000-member Southern California affiliate, elucidating the national's stance. The committee rejected Halperin's arguments, voting unanimously to oppose the bill and dissociate itself from the national office's position.

Meanwhile, H.R. 5164 has been held up in the House Subcommittee on Information, and we have received a number of letters about Glasser's article. Some of them, along with Glasser's reply, follow. —The Editors

A C.I.A. FIG LEAF

Pacific Palisades, Calif.

Casey's C.I.A. says, Trust me. A.C.L.U. lawyers say, If you agree to follow certain procedures, we will trust you. What's more, we will recommend to Congress that it trust you and vote for the C.I.A.-drafted, A.C.L.U.-blessed H.R. 5164.

Ira Glasser's article, a disingenuous statement if ever we saw one, deserves a close look. He says, "Some of our critics have gone so far as to suggest that the A.C.L.U. has become, wittingly or unwittingly, an accomplice in weakening the F.O.I.A." We go so far as to suggest that the A.C.L.U. (principally its Washington law office) has wittingly or unwittingly strengthened the C.I.A.

by cloaking it with civil libertarian approval, thereby making it difficult for those members of Congress who care about civil liberties to take a contrary stand.

Glasser's lip service to the Freedom of Information Act omits the fact that the act has already been badly gutted by major exemptions for law enforcement and intelligence agencies. Such emasculation as was not done by statute was completed by executive order and administrative fiat. The F.O.I.A. was briefly a great act, but its virtual demise has never been properly noted or mourned. The A.C.L.U. might more usefully employ its not inconsiderable influence by resisting the relentless growth of official secrecy rather than by aiding and abetting the process.

Glasser summarizes the major provisions of H.R. 5164 to show that while the bill exempts operational files from search and review, it sets up safeguards to insure against C.I.A. abuse of the exemption. According to Glasser, exempting operational files from search and review will save the agency time and money (out of its presumably tight budget), and the F.O.I.A. applicant will get a speedier reply. Maybe. Maybe not. But will he or she get more information? Or any information? Nothing in H.R. 5164 requires the agency to respond to requests for information within a given period of time. Although such details may be spelled out later in rules and regulations, those are entirely of the C.I.A.'s making. Again we are asked to trust the C.I.A. The bill nowhere provides for an independent check on C.I.A. decisions. What the applicant gets instead is a right to judicial review. Ernest Mayerfeld, the C.I.A.'s legislative liaison, describes the judicial review as "one we can live with." And why not? He says, "It has very limited judicial review. It provides [for] how a case gets into court and that would not defeat the purpose of the bill." Quite right. Former Director of Central Intelligence Stansfield Turner has stated, "We have not lost a case in the court when we have claimed that something was classified." In what may well be the definitive comment on the amended F.O.I.A., the Supreme Court (*E.P.A. v. Mink*, 410 U.S. 73, 1973) ruled that executive branch decisions were virtually unreviewable and that in camera inspection of a contested classified document was neither authorized nor permitted under the law, "however cynical, myopic or even corrupt that decision might have been," according to Justice Potter Stewart.

Of the various groups testifying on H.R. 5164, only the American Bar Association and the A.C.L.U.'s Washington lawyers favored its passage. Publishers, editors, reporters, historians, are forthrightly opposed. Many A.C.L.U. members throughout the

country are also opposed. Those testifying were in general agreement that the bill served no useful purpose. For reasons not entirely clear, A.C.L.U. lawyers have chosen to provide the C.I.A. with a fig leaf. Why?

Mae and Robert Churchill

EXPAND THE ACT

Herndon, Va.

Ira Glasser's arguments in support of H.R. 5164 unfortunately reflect legalistic idealism based on a misconception of the problems and their causes. According to Glasser, the proposed legislation would expedite the C.I.A.'s processing of F.O.I.A. requests without any significant loss of information. But the underlying reason for the agency's several-year backlog is not, as he claims, the time-consuming search process; rather, it is the C.I.A.'s deliberate non-compliance and delay.

My own experiences prove my assertion. While with the C.I.A. I directed a review of all operational and intelligence files concerning the agency's worldwide activities against the People's Republic of China. At the time, the operational files were more extensive than they are today. Within several months my ten-person team, while continuing its normal work, completed the review. It can be done. Each time a document is processed for F.O.I.A. disclosure, a record photocopy should be retained. For subsequent requests all that need be done is to copy the already-processed document. Within about one year using such a method, the C.I.A. could process virtually its entire file holdings of information sought under the F.O.I.A. Exempting the operational files will simply allow the agency to devote additional time and energy to stonewalling the few remaining qualifying requests.

Glasser seems unaware of the magnitude of the exemptions under H.R. 5164. I estimate that 80 percent of the operational files consist of, in Glasser's words, "the means of acquiring information," which would be exempt. Most F.O.I.A. requests focus on agency abuses found in the operational files of the three divisions covered by H.R. 5164. A quick look at past operations reveals why the agency is seeking those exemptions.

Over the years the Directorate of Operations conducted numerous illegal domestic operations, including M.H. CHAOS, which targeted political groups, and others, which sponsored books and used student, youth, teacher, labor, religious and media organizations, all within the United States, in defiance of the C.I.A. charter. The Directorate for Science and Technology tested a variety of mind-altering drugs on unwitting subjects both here and abroad, causing at least one documented suicide, and experimented with the effects of radiation, electric shock and

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EDITORIALS.

Forests of Twigs

As the American information industry disappears into the sinkhole of cold war ideology, its captains concentrate ever more intently on trivial issues and points of order. The burning question in the media last week was whether *New Yorker* contributor Alastair Reid disregarded professional ethics and violated the temple of truth by creating composite sources for quotation and allegorical locations for events in his reports from Spain. For twenty-five years Reid has conveyed an intelligent, subtle and overwhelmingly accurate picture of the

Spanish scene. If he missed a twig here or a leaf there, he nonetheless painted an honest forest. The scandal invented last week by *The Wall Street Journal* and *The New York Times* not only trivializes first-rate reporting but avoids discussion of the real crisis in the information business.

Two issues illustrate the nature of that crisis. Both involve the identification of major journalistic institutions with specific propaganda campaigns promoted by the Reagan Administration and its conservative supporters. They indicate that where it counts, the press easily abdicates the principles of independence, objectivity and neutrality that it proclaims in areas of no importance.

The second, an unconvincing theory of the Bul-

garian plot to kill the Pope. On June 10 *The Times* published Claire Sterling's "scoop" of the Italian prosecutor's report as if it were the investigative discovery of an ace crime reporter. But Sterling gave the world the whole scenario two years ago in *Reader's Digest*. She packaged it for television, wrote a book about it and rode the lecture circuit. Her revelation of the prosecutor's report is designed to organize world opinion behind a selective and patterned presentation of "facts." And it will no doubt affect the Italians' decision to bring indictments against the Bulgarians.

At least one paper isn't buying Sterling's story. *The Washington Post's* Michael Dobbs, writing from Rome, followed up on her version and pointed out omissions, misplaced emphases and ideological biases. Dobbs noted the inconsistencies in the testimony of Mehmet Ali Agca, the would-be assassin; the crucial evidence he has retracted; the unfounded assumptions of Soviet involvement; the possibility that Agca was coached by Western intelligence agents to concoct his story. But it will be hard to counteract the campaign of Sterling, *The Times* and the rest of the media.

The second issue is the mission of Korean Air Lines 007. In the ten months since the plane was shot down, no significant American news organization has broadcast or published a probe of the obvious contradictions in the official versions of the incident and the likely reasons for the jet's flight over Soviet territory. Now the British magazine *Defence Attaché* has persuasively documented one theory about what K.A.L. 007 might have been doing as part of an American intelligence operation. The British report was ignored by *The Times* and eventually found its way into *The Washington Post*, on page A14. It ought to be the biggest story of the year. "Reagan Blamed for Death of 269 on Korean Jet" would be a suitable headline. But timidity and complacency defeat honest journalism these days. Meanwhile, the press worries about what is between inverted commas.

Negative Action

What a dreadful Supreme Court term this has been! In addition to its assault on rights of privacy and its increasing tendency to curtail checks on the powers of police, prosecutors and prison wardens, the Court seems to have joined the Reagan Administration's attack on equal protection and religious liberty.

First, the Court ruled in the Grove City College sex discrimination case that schools receiving Federal funds can practice discrimination in any activity not directly funded by the Federal government. Later it offended religious believers of all denominations by ruling in *Lynch v. Donnelly* that the city of Pawtucket, Rhode Island, could put up a crèche during Christmas. Then came the heaviest blow of all. On June 12, in *Firefighters Local Union No. 1784 v. Stotts*, the Court decided that employer layoffs must be made according to applicable seniority provisions, even if increases in minority or female employment from court-ordered affirmative action are wiped out in the process.

That decision has terrible implications. In Memphis, Boston and elsewhere many employers, including police and fire departments, have hired minorities and women only under pressure from court decrees. Because many of those decrees took effect only recently, the gains have been small, though significant. In Memphis, for example, where 35 percent of the population is black, only 6 percent of the firefighters hired between 1950 and 1976 were black; before the layoffs of 1981, after seven years of affirmative action, 11.5 percent of the entire force was black. Adherence to the last-in, first-out principle for layoffs can erase most gains like that.

Nevertheless, seniority is an important and often hard-won part of job security. Title VII of the 1964 Civil Rights Act reflects a special concern for bona fide seniority systems, and the Supreme Court clearly shares that concern when it comes to layoffs. But the Court did not limit itself to layoffs. In a totally unnecessary two-and-a-half-page discussion, Justice Byron White wrote for a six-member majority that section 706(g) of Title VII limits the Federal courts' remedial powers to "provid[ing] make-whole relief only to those who have been actual victims of illegal discrimination." By that White seems to mean, No racial quotas, goals or timetables.

Under this narrow interpretation, the effort to raise the depressed economic levels of minorities and women is virtually doomed. Lawsuits on behalf of individual victims of discrimination are long, expensive and of limited impact. Although certainly no panacea, affirmative action has produced measurable benefits and remains one of the few useful antidiscrimination techniques. Until the Court repudiates the gratuitous language in the *Stotts* decision, much damage will be done. Few courts will order affirmative action hiring plans; some may even refuse to accept or enforce voluntary consent agreements incorporating such plans. Employer and union incentives to settle discrimination cases will diminish, and white male employees will probably file more suits against even voluntarily adopted preference systems. Many employers had accepted affirmative action, but no longer. "We're going to see an awful lot of litigation of affirmative action plans," said a representative of the U.S. Chamber of Commerce. "All bets are off."

The hundreds of decrees already entered are also in jeopardy. The day after the *Stotts* decision, William Bradford Reynolds, chief of the Justice Department's civil rights division, announced he would try to reopen all antidiscrimination agreements involving the government and would advise the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance to do likewise. According to one estimate, at least fifty major affirmative action agreements are thereby subject to attack. Although Reynolds is obviously interpreting the decision more broadly than is justified, its disastrous effect on minority groups and women can hardly be disputed.

In another disturbing decision, *Schall v. Martin*, the Supreme Court early this month gave its blessing to preventive detention of juveniles. The Court overturned two lower

court rulings and upheld a New York State statute providing that young people may be detained for up to seventeen days at arraignment on the judge's guess that there is a "serious risk" they will commit a crime before their cases are heard. As Federal District Court Judge Robert L. Carter had written, this broad, vague statute "gives the judge a license to act arbitrarily and capriciously."

The reasoning of the opinion is as distressing as the holding itself. Justice William Rehnquist, writing for the majority, invokes what University of Chicago criminologist Franklin Zimring calls the "sentimental general theory" of child protection as the basis for juvenile justice. In doing so, he endorses violations of due process that even this Supreme Court would find scandalous if imposed on adults. He refuses to acknowledge that juvenile detention is at worst brutalizing and at best "deleterious," to use the appellant's word. Apparently Justice Rehnquist believes that young people's interest in being free of physical restraint is not as important as the state's interest in preventing their future crimes; after all, he writes, kids are always "in some form of custody." Such an equation of the caretaking role of parents with the custodial role of the state presents a depressing view of the functions of adults in young people's lives.

Approximately a million kids are detained each year in this country, most on minor charges which do not lead to postconviction confinement. In blatant disregard of the presumption of innocence, the juvenile justice system has made pretrial detention its principal punishment. Thus, the young are different from their elders: they have fewer rights.

Exile's Return

Montevideo, Uruguay

More than 60,000 protesters gathered here last week, braving tanks and bayonet-bearing marines to chant slogans against Uruguay's military regime. The occasion was the arrival of a ship carrying opposition leader Wilson Ferreira Aldunate back from eleven years of exile.

In characteristic style, the military overreacted to the return of the 65-year-old head of the left-of-center Blanco Party. As the ship entered Uruguayan waters, it was met by a cruiser, four gunboats, an unarmed patrol vessel, two airplanes and a pair of frogmen. Ferreira and his son Juan Raúl, head of the militant Democratic Convergence, were promptly arrested.

The beleaguered Uruguayan military has pledged to hold national elections on November 25 but has banned Ferreira—the country's most popular politician and his party's presidential candidate—from participating. Worried by the precedent set in Raúl Alfonsín's Argentina, where former military leaders are being tried for corruption and human rights abuses, the government, headed by Gen. Gregorio Alvarez, has decided to press ahead with trials for the Ferreriras. The charges, widely denounced as fraudulent, include association with subversives, demoralizing the armed forces and encouraging foreign powers to attack Uruguay.

Representatives of the Blanco Party and of the banned leftist Frente Amplio coalition say the regime is using the Ferreira issue to keep restrictions on leftist parties and individuals and to force a number of "temporary" draconian national security provisions into the Constitution. Ferreira, who faces thirty years' imprisonment, has said repeatedly that if the military agrees to drop all other restrictions, he will take himself out of the presidential race.

The U.S. State Department's reaction to the Ferreriras' detention was tepid—one more reminder that Jeane Kirkpatrick's "quiet diplomacy" on human rights, though discredited, has not been discarded. MARTIN ANDERSEN

Martin Andersen writes for Newsweek from Buenos Aires.

Terror Tally

Now that the protracted counting of ballots cast in the Philippine National Assembly elections is over, it appears that the leaders of the movement to boycott the exercise were right after all: there was no way Marcos would allow more than a token number of opposition candidates to win. According to results announced last week, Marcos's ruling New Society Movement (K.B.L.) took 109 seats; the combined opposition, 63; and "independent" candidates (including unofficial K.B.L. supporters), 8. Three more seats are being contested.

The initial euphoria over the opposition's triumph in Manila, where it won fifteen of twenty-one seats, soon gave way to anger at evidence of fraud and terror: an estimated 500,000 "flying voters" in the capital, polling places set up in the homes of Marcos officials, brazen vote-buying and more than 100 killings by terrorists connected with the ruling party during election week.

A big loser in the event was the United States government. The State Department's plan was to allow the middle-class opposition, led by disgruntled business leaders and anti-Marcos elements in the traditional elite, to win enough seats to form a viable parliamentary bloc, thus stabilizing the Marcos government and heading off a leftist insurgency. But the May 14 affair has only raised discontent several notches higher. A few days after the elections, thousands of enraged citizens tried to storm a provincial capital in the southern Philippines but were disbursed by army troops who killed five demonstrators; militant marches and rallies continue to take place throughout the country.

The victor emerging from the elections is the movement that boycotted the polls. Its message that dictatorship and free elections are a contradiction in terms is crashing in on millions of Filipinos. Marcos, they are realizing, is merely a symptom of a larger problem: the massive U.S. military, political and economic presence for which the dictator has, until recently, acted as a reliable security guard. WALDEN BELLO

Walden Bello is an associate of the Southeast Asia Resource Center and the principal author of Development Debacle: The World Bank in the Philippines.

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DISPATCHES.

■ AUSTRALIA: Defense Down Under

Initially greatly inferior in nuclear armament, the U.S.S.R., by its own sustained efforts and aided by the relative U.S. neglect of U.S. nuclear forces, has achieved superiority in the critical area of ICBMs and intermediate nuclear forces which is not fully compensated by U.S. maritime and air forces. . . . U.S. strategic planners must calculate that in a full nuclear exchange the U.S.S.R. could have the final advantage in terms of survival at some level short of national extinction.

Those words could have been written by Richard Perle, Russophobe and dark prince of the Pentagon. But they come straight out of a secret Australian Defense Department document leaked to the weekly *National Times* in early April.

Endorsed last September by the left-of-center Cabinet of Prime Minister Bob Hawke, the document, titled "The Strategic Basis of Australian Defence Policy," manages to repudiate all the major disarmament and defense planks on which the Labor government was elected. Most shocking to antinuclear Laborites was the suggestion that Australia should be prepared to acquire the bomb if any of its neighbors go nuclear. "No South-East Asian country presently would be able to produce nuclear explosives before the mid-1990s. . . . [But] developments relating to nuclear capability in countries within Australia's neighbourhood should be monitored in order to ensure that the lead time for Australia could be matched with developments in other countries should government so decide."

The key strategic judgments that underlie the Cabinet's decision were made by Michael Cook, 53, head of the Office of National Assessments (O.N.A.) and consultant to the Defense Committee that wrote the document. Former Prime Minister Malcolm Fraser appointed Cook in 1981 to the O.N.A. to pull together intelligence estimates, and the conservative career diplomat is now reported to be close to Prime Minister Hawke. Thus the leaked document's greatest significance is that it reflects the ongoing thinking of the Australian diplomatic and intelligence establishment, unchanged by fleeting partisan politics. That establishment appears firmly committed to U.S. foreign policy. Among other things, the document notes that it would be "prudent to assume" that U.S. naval and communication facilities in Australia "might be attacked in a super-power nuclear exchange. . . . However, the risks should not prevent Australia from continuing to support the U.S. deterrent posture."

The authors diverge from U.S. aims only on the rearming of Japan. "Australia should not encourage the extension of Japanese defence activity into our region," they warn, because the Association of Southeast Asian Nations believes that the U.S. military presence is the only one "not accompanied by any ambition for political dominance."

In the uproar following the secret document's publication, Prime Minister Hawke lamely explained to his angry backbenchers that Cabinet endorsement did not

constitute agreement with any of the document's policy prescriptions.

■ WEST GERMANY: And Quiet Flows the Aid

Rumors abound in Washington that Israel or Saudi Arabia would come to the assistance of the Nicaraguan *contras* should Congress cut their umbilical cord. Much less attention, however, is being paid to overt and covert funds already flowing to Central America from an increasingly important source: West Germany.

Central America is not the leading recipient of aid from Bonn, which is prominent among countries of the industrialized West in providing "development assistance" to the Third World. But West German policy on aid to the region strikingly exemplifies the Reagan Administration's success in exerting pressure to turn on (or off) Western aid spigots. Such an intense effort has not been mounted since Vietnam War days, when U.S. diplomats tried to sell the war to America's allies.

Consider these recent actions by the West Germans. On May 21, the same day Reagan triumphantly hosted Salvadoran President-elect José Napoleón Duarte at the White House, Bonn's Minister for Economic Cooperation, Jürgen Warnke, announced that aid to El Salvador, which had been cut off by Helmut Schmidt in 1979, would be resumed. Talks with the new government would soon take place to put the money to swift and efficient use, said Warnke, who stressed that continuation of land reform and other social programs remains a prerequisite for long-term peace.

Meanwhile, West Germany has maintained a leisurely aid policy toward El Salvador's southern neighbor. In April the Ministry noted that Nicaragua's problems had social and economic roots similar to El Salvador's and that the revolutionary government deserved Bonn's help. Nonetheless, the Ministry said that specific projects proposed so far by Managua were "unsatisfactory" and therefore disbursement of \$15 million earmarked for Nicaragua had been held up. Aid approved earlier continues but will run out in 1986. The Ministry's aid portfolio, it should be mentioned, is in the hands of the Kohl government's right-wing coalition partner, the Christian Social Union, headed by Franz-Josef Strauss.

Then there is the covert side. All but lost amid the furor over C.I.A. backing for Duarte's campaign was the name of one of the conduits for that aid: the Konrad Adenauer Stiftung, a government-supported foundation run by the ruling Christian Democrats. According to *The Washington Post*, a public relations firm named Venezuelan Institute for Popular Education (IVEPO) produced television and radio commercials for Duarte without charge. It also paid the salaries of some 300 people working for the government's elections council during the campaign. The Adenauer Stiftung has close ties to IVEPO's principal fund-raiser and reportedly laundered the C.I.A. funds received by the firm for use in El Salvador, a charge the foundation denies.

American suasion over West German aid makes one

KAI BIRD AND MAX HOLLAND

wonder why Reagan bothered to dream up Project Democracy, his \$62 million crusade to export American institutions worldwide.

■ I.M.F.: Reagan's Reliable Soldier

These are difficult times at the International Monetary Fund, so few observers were surprised when managing director Jacques de Larosière sought to keep the fund's number-two man, William Dale, from retiring. Appointed U.S. executive director to the I.M.F. in 1962, Dale became, in 1974, deputy managing director, a post traditionally reserved for an American. When de Larosière asked Donald Regan's Treasury Department to allow a two-year extension of Dale's tenure, however, the answer was no. Instead, as of this month, the I.M.F. has been forced to accept Richard Erb in the deputy managing director slot—for reasons that are not hard to figure out.

Erb is not your dedicated Reaganite, but he has proved to be a reliable soldier ever since his appointment as U.S. executive director to the fund in 1981. In the past three years, each time the I.M.F. threatened to act in a manner not strictly compatible with unilateral U.S. aims, Erb whipped his recalcitrant co-directors into line. The most notable incident occurred in July 1981, when El Salvador applied for a \$36 million loan. The I.M.F.'s technical staff refused to recommend approval because political uncertainty in that country made the necessary economic forecasts impossible. Although all the Western European directors except Italy's criticized the application, and the governing board had never considered a loan application without the concurrence of its staff, Erb managed to ram it through with an assist from Third World members, who always favor setting liberal precedents.

A master at shrouding political aims with economic justifications, Erb that same year succeeded in cutting a \$9 million loan scheduled for Maurice Bishop's government in Grenada to \$3 million. According to a source in the State Department, Secretary of State Alexander Haig had earlier pounded a table and ordered his top policy-makers for Latin America to make sure that "not one penny for Grenada" would come from international financial institutions.

The Reagan Administration entered office with a deep distrust of the I.M.F. Technocrats like Richard Erb have shown how the fund can be manipulated to suit Presidential purposes.

■ WESTERN EUROPE: Distrust on the Left

Using the June 17 elections to the European Parliament as a focus, a group of well-known West German intellectuals issued a "Memorandum for the French Left" which attacks what it calls the "common distrust" that exists between ostensible brethren. The authors, who include Professors Peter Brandt (Willy's son) and Ulrich Albrecht, pose such questions as: Is the French armament policy the only alternative to pacifism? Are the Soviet people the Germans

of postwar Europe? Is the peace movement producing a new German nationalism? In each instance the West Germans answer with a thoughtful negative.

On perhaps the most sensitive issue, German nationalism, the authors say:

Not unless the Germans agree to a peace treaty based on the division of Germany into two states,—but also not unless the victorious allies of the Second World War do not expressly forbid a reunification in this peace treaty—, is there any hope of initiating a European security system which could end the bloc confrontation. This kind of solution would only be acceptable to the Germans if they no longer belonged to opposing military blocs that have drawn up an inhuman battleline down the center of Germany. The creation of a zone in central Europe free of atomic, bacteriological, and chemical weapons would be a step in this direction. . . . The only political goal worth the risks of endangering the status quo is the establishment of a collective security system for Europe instead of the present-day military blocs.

The open letter has already created political tremors. Two leading left-wing Social Democrats, Erhard Eppler and Oskar Lafontaine, have distanced themselves somewhat from their earlier endorsement of the memorandum because of party disquiet over some of its possible implications—particularly the suggestion that West Germany could conceivably have a future independent of the North Atlantic Treaty Organization. The French reply to those strong words is still to come, and should be instructive.

■ THE PHILIPPINES: Official News

On May 27 the *Times Journal*, one of Manila's largest dailies, published a story with the headline, "Catholic Church Attacks Sandinistas in Nicaragua." There was no byline or attribution. That omission intrigued Alan Lindquist, a stringer for Interlink, the New York City-based Third World wire service, so he asked *Times Journal* editor Teddy Owens where the article had come from. At first Owens claimed the 700-word piece had been transmitted across the Reuters wire. Later, he admitted it had been given to him by the American Embassy.

Was that an isolated instance? Not at all, according to officials of the United States Information Service in Manila and in Washington. Apparently our government has a team of writers in Washington who crank out stories which are wired every day to U.S.I.S.'s 206 offices in 127 countries. John Maisto, a Philippine desk officer at the State Department, characterizes the U.S.I.S. articles as having a "Voice of America-type orientation."

Owens says he receives, almost daily, a hand-delivered envelope marked "Official Business." The most recent packet contained ten stories, running from 430 to 4,165 words. Perhaps it is not so surprising that the *Times Journal* is taking U.S.I.S. handouts and printing them as news: the progovernment newspaper is believed to be owned by Benjamin Romualdez, the regime's Ambassador to Washington and the brother of Imelda Marcos.

MINORITY REPORT.

CHRISTOPHER HITCHENS

It has become a cliché for defenders of civil liberties to say that an injury to one is an injury to all. How often have I heard myself intone, in the course of championing some victim of the police or the bureaucracy, that if the arrogance of power is not checked *here*, then we will all be the losers. But repetition can dull even the most piercing truth. So I offer this tale, of one man's triumph over the abuses of state power, with genuine pleasure. It illustrates the essential connection between the liberties of the individual and the health of democracy.

In April, F.B.I. Director William H. Webster wrote a letter to Representative Don Edwards of California, chairman of the House Subcommittee on Civil and Constitutional Rights, in reply to a written request from Edwards that the F.B.I. formally exonerate someone it had been harassing for years. Specifically, Edwards had asked that the Bureau follow the example of the C.I.A., which conceded last fall that its long surveillance of distinguished Greek journalist Elias P. Demetracopoulos had been fruitless and unsound.

In an earlier letter, dated December 7, 1983, Webster had refused to make restitution on the familiar bureaucratic ground that "such a statement would establish a precedent which would make it difficult to refuse other similar requests." That circular defense did not impress Representative Edwards (himself a former F.B.I. agent). He asked Webster to confirm, in writing, that the F.B.I. had pursued Demetracopoulos for years and had found nothing whatever to justify such bullying. Webster acquiesced. In his letter dated April 11, 1984, he admitted the Bureau had investigated Demetracopoulos, "during the following periods":

June 23, 1964, to November 23, 1964.

December 8, 1964, to June 16, 1965.

May 4, 1966, to July 15, 1966.

November 9, 1967, to October 2, 1969.

August 25, 1971, to March 14, 1973.

February 19, 1974, to October 24, 1974.

Webster's letter described the surveillance as "rather extensive." It involved, according to the F.B.I., invigilation of tax returns, hotel bills, bank accounts and sources of income, as well as of numerous unnamed friends and colleagues. It led, through a letter campaign supported by F.B.I. field agents, to the loss of Demetracopoulos's job as an information consultant to Chemical Bank of New York. And it led to this conclusion, also cited by Webster:

In the absence of some indication that subject poses a threat to the internal security of the U.S. or is in violation of Federal laws under the jurisdiction of the FBI, further investigation is not warranted.

In other words, a full-scale invasion of privacy had been mounted and reopened *six times* in a decade, with nothing to show for itself. That is a complete exculpation of Demetracopoulos, who had to pay many thousands of dollars on F.O.I.A. lawsuits to secure his good name.

Here ends the pleasurable bit of the story. The rest is rather less charming. Demetracopoulos attracted the attention of the F.B.I. and the C.I.A. because, having warned

since 1964 that the C.I.A. had antidemocratic plans for Greece, he became a relentless campaigner against the Greek junta and its tentacular links to the Nixon gang. In the fall of 1968 he went to the Watergate office of Democratic Party chairman Larry O'Brien with information that the junta was contributing dubious funds to the Nixon-Agnew election campaign. He suspected at the time that his phone was being tapped and he was being shadowed by the F.B.I. As we see from the dates in Webster's letter, he was right.

On July 12, 1971, Demetracopoulos testified before a House Foreign Affairs subcommittee about the intimacy between Nixon and the Greek dictatorship. Only weeks later the investigation against him was reopened at the request of Nixon's Ambassador in Athens, Henry Tasca. The State Department urged that "the Department of Justice do everything possible to see if we can make a Foreign Agents case, *or any kind of a case for that matter*," against Demetracopoulos. (Emphasis added.)

Nothing was found against him, any more than it had been in the four previous shakedowns. But the F.B.I. did turn up something that helped its political bosses destroy the Patman committee investigation of the Watergate burglary, which may have been inspired by the need to find out how much O'Brien's office knew about "the Greek connection" [see "Minority Report," June 11, 1983].

Representative Wright Patman, who chaired the House Banking Committee, was the first to realize that money was the key to Watergate. Within five days of the break-in, his committee had traced the burglars' numbered \$100 bills through Mexico and back to CREEP and Maurice Stans. A list of individuals to be subpoenaed was prepared.

It was at that point, according to the White House tapes, that Nixon announced: "The game has to be played awfully rough. . . . Tell Ehrlichman to get [Banking Committee member Garry] Brown in and [Gerald] Ford in and then they can all work out something. But they ought to get off their asses and push it. No use to let Patman have a free ride here." Ford, the House minority leader, was asked to rally the Republican members of the committee. Others were deputed to lean on the Democrats. And the clincher for some waverers on the committee was a leaked file from the F.B.I. investigation of Elias Demetracopoulos. It alleged that he was a dangerous Communist and had once arranged for Patman to be paid \$1,500 for a Wall Street speaking engagement (two contradictory assertions, the first since admitted by the F.B.I. to be false). Shown "in confidence," the file helped get six Democrats to join the Republicans in voting against subpoena powers for Patman's inquiry.

This gave Nixon two more years of slaughter in Vietnam and of lying and corruption at home. It also facilitated the dishonest transition to the Ford Presidency. Now, at long last, the F.B.I. admits that it obtained the material in Demetracopoulos's file with no *prima facie* justification and allowed it to be employed for the obstruction of justice. If we had only known then what, with infinite patience, he has found out since.

ARTICLES.

■ GREENHAM COMMON PEACE CAMP

Down Among The 'Wimmin'

SALLY BELFRAGE

Since September 1981 a loud, rude, entirely female noise has been heard from Greenham Common, England. Outside an American Air Force base, which is guarded by British troops and police, varying numbers of women have been a constant presence, protesting the installation of U.S. cruise missiles. On April 4 the law mounted the big eviction, and all the media came to report the demise of the women's peace camp. Television cameras shot the funeral. "PEACE CAMP CLEARED OUT," said the *Evening Standard's* front page: "Tents ablaze as the bailiffs move in." To the outside world it looked over. But this first and best-known of the world's peace camps is far from moribund and a trip to Greenham Common showed it to be larger than ever.

An hour and a half west of London along the Newbury-Basingstoke road, past the Main Gate, there is a huge fence surrounding the place where the women used to camp, with stumps of trees, building machinery, patrols of soldiers and the ugliness of the base spilling out. The newly wired-in area is part of the road-widening scheme used to justify the eviction; in fact, the road has been narrowed and two cars can barely pass. By curtaining off the peace camp in this way—except on the north side, where few drive and where the encampments at Blue and Red Gates are perched without room for expansion—the authorities have tried to make it not exist.

The women, suspicious of the press (tabloids have often sent infiltrators to "expose" lesbianism or near-starvation), seemed more concerned about their own morale and their feminist structures than about being seen and heard outside. But even at the Main Gate, behind the fenced-in upheaval, some women (or wimmin, as they spell it), including the indomitable Jane Denet, grandmother of sixteen, and Sarah Hipperson, ex-magistrate, were camping where they always had, albeit without tents or other shelter. Hipperson was busy planting cucumbers and tomatoes in an old pram, so the bailiffs couldn't get them in a raid.

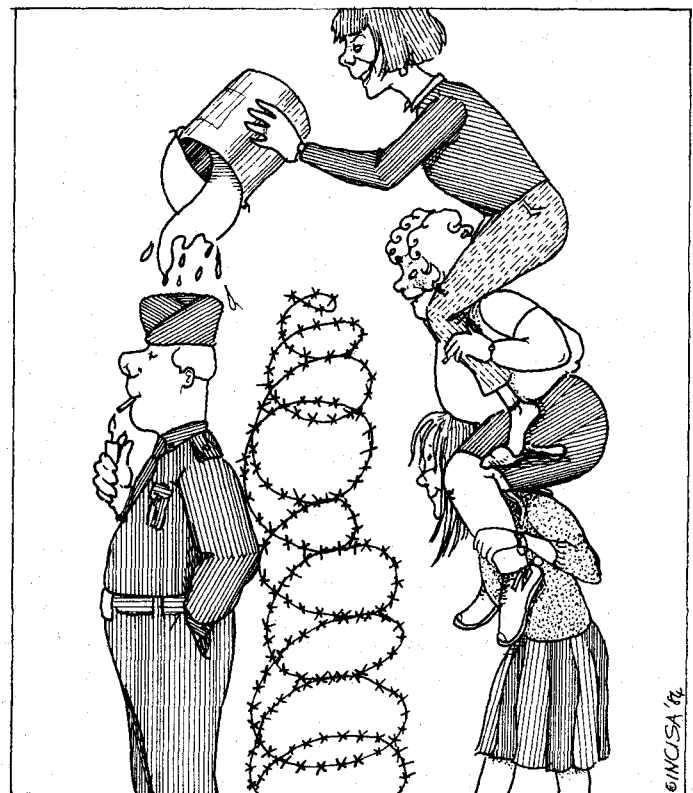
A drive around the base revealed dozens of women at all six gates attempting to keep warm by their campfires while soldiers inside the fence did the same by theirs. A visitor could join in the usual camp activity: talking, keeping watch, waiting. The wait might be for the bailiffs or for a cruise to poke its long silver nose through the wire, but usually it was just for the next meal.

Initially the camp's objective was to prevent the installa-

tion of ninety-six cruise missiles. The first of them were flown in last November; since then the idea has been to prevent them from getting out. Indeed, only one cruise launcher has left the base so far—in the middle of the night on March 8. Police surrounded the sleeping women while a convoy tested its mobility by driving around the British countryside. The Campaign for Nuclear Disarmament monitors kept track of its progress until it returned three and a half hours later.

On one side of the camp at Green Gate was the fire, a clever arrangement of grill over dugout, covered with blackened kettles and enormous cooking pots. Tea and coffee were in constant preparation, and boxes and bins nearby stored the rest of the kitchen—odd mugs and cutlery and plates, vegetables and granola and biscuits (all encampments are vegetarian). Someone was nonchalantly mixing batter in a saucepan, wiping the smoke from her eyes; another cooked tortillas in a vast skillet; another somehow cleaned dishes in icy water; a fourth chopped rhubarb and grapefruit for the evening sweet. Around the fire, logs or boards on rocks and one old wicker chair supported a full circle of women—of every age but mostly young, big-boned and strong. Hair was short ("Fearful dearth of shampooing facilities," as one put it), lots cut boyishly with tails down the back, some colored outlandish shades of pink and green. Everyone seemed healthy and grubby, and when you sat for a quarter-hour your hands became coated with grime, fingernails black, just from picking up a kettle or adding wood to the flames.

Nobody was "in charge." The one who took over at any given moment was the one doing the work—getting the



Sally Belfrage is the author of Flowers of Emptiness (Dial).

meal, pouring the coffee, organizing the night watch which would wake the others should a cruise launcher and convoy take to the road. Volunteers were easy to come by, even for the 4 A.M. shift. There was a warmth and camaraderie among them, the kind you'd expect from front-line troops in a constant state of risk. It was often hard to realize that is what they are. Given their "invisibility," it was even harder to understand the degree of support they continue to receive from behind the scenes: abundant contributions of food, wood, clothing and generous checks, arriving daily from people throughout Britain and abroad.

At Green Gate, U.S. Army personnel flashed their passes to go in and out, and police cars crept along, checking out the license plates of the campers' parked cars. Beyond the road was a lovely encampment under the trees of an old wood. Sunlight shone spots on tents dotted around and on a couple of "benders"—plastic sheeting draped on branches, a Greenham invention to bypass a law forbidding dwellings on the Common. A washstand with a mirror was attached to a tree, and two dozen toothbrushes stood in a mug beside the basin. Plastic jugs of water rested on ground soft from decades of embedded woodland debris. The base's generators roared in the distance, and you could hear the barking from the kennels where the Alsations are kept; at night, spotlights penetrated the trees at intervals, and the women were always watched. Otherwise, you might think it a holiday camping ground of great charm.

Off to one side was the "sanctuary," a small hollow owned by a friendly local where the women store their things away from the threat of eviction. Nearby was the "shit pit," boards over a hole in the ground, a heap of freshly dug earth for cover and, in it, a child's spade. No smell at all. Everything extremely neat and well organized, with a respect for nature given scant attention on the other side of the fence.

Divided by barbed wire, a world created by powerless women and another made by powerful men: anyone walking by the fence might have a thought about which they would like to live in. Over there, new rolls of razor wire were constantly being unwound; bunkers, barracks and missile silos were being built in the mud where the trees had been torn up. Over here, patches of flowers had been planted. In a clearing near a fire, a cardboard box with a bit of blanket inside and a matching tent slung from a branch above was labeled "Igon's Bender"; a huge black-and-white cat was usually to be seen within, peering out at what was going on. Over there, a soldier sat in a tower under corrugated iron, doing something similar, a bright orange spotlight beside him and a crackling radio set to send and receive reports of female mischief.

Mischief has been pretty constant, but the Army and the police, by not officially recognizing it, have undercut its impact, and the women haven't bothered to tell anybody but one another. The night I was there four women cut a hole in a stretch of fence and made their way nearly to the main control tower before a patrolling jeep caught them in its headlights. "I've got some. What should I do?" the jeep's driver radioed in. While someone somewhere thought

what to do, the women scattered and caused a bit of bother. Eventually they were all rounded up; taken in, they were asked to strip "down to the bottom layer" and searched. This was related at fireside by a triumphant woman of about 60, wearing a poncho decorated in appliquéd peace signs: "One policewoman had rubber gloves on—that gave me rather a start until it turned out she was just wearing them to handle our clothes. If you'd seen our socks you'd know she was *quite right*." Their names were taken; then they were told that they wouldn't be charged this time, but mind not to do it again. They said of course they would do it again as soon as there was an opportunity. Only the week before, two dozen of them got in on bicycles and roller skates and careened around the runway before they were nabbed—but not charged. They even got their bikes and skates back.

The British soldiers seemed friendly enough. Huddled by braziers at fifty-foot intervals inside the nine-mile perimeter, they appeared quite woebegone and, if alone, they greeted and talked readily to the women walking by. They were forbidden to talk, one of them said, or to listen to music or to smoke. He had only a ten-day tour of duty there and said that after just four days, with nothing to do for six more but sit in the mud looking out through the wire, he would almost prefer the Falklands. He was as eager for tidbits as any zoo animal. Another soldier was being assailed by a young Scottish visitor as I approached: "Don't you think it's too bad that you have to guard that Yank base from your own people?" The soldier shrugged. "Them from you; you from them," he said. "Same as Northern Ireland."

Some opposition to the campers has come from local residents, ranging from violence to fairly inscrutable pranks. Vigilantes have set fire to the gorse bushes, dumped maggots and pigs' blood on the benders. One day, RAGE (Ratepayers Against Greenham Encampment) hired three male stripteasers to perform near Blue Gate. Locals turned out and the police eventually stopped the show, but the women just ignored it. "What was the point of that?" was the question of the night.

On Bank Holiday Monday there was large-scale activity among the women, and charabancs of supporters arrived from across the country at Orange Gate with kites and pots of paint. Meetings were scheduled at distant clearings in the bushes to avoid being overheard by directional microphones, and while kites flew and got caught in the wire, women mixed paint and dressed in plastic bags. At 3 P.M. hundreds of them emerged from the wood and converged on the gate, long called "Orange" by them but just "L" by the authorities. Within minutes they made the gate worthy of their name for it, sloshing every conceivable shade of orange on the posts and wire as the police and soldiers inside gazed on bemused. Women held other women on their shoulders to reach the highest bits, others clapped and sang while up and down the road rainbows of color suddenly decorated the hideous fence, and on the road itself slogans, doves and peace signs appeared as far as the eye could see. It looked like the road to Oz. Police, too late, arrived in vans

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—Traditional American Adage

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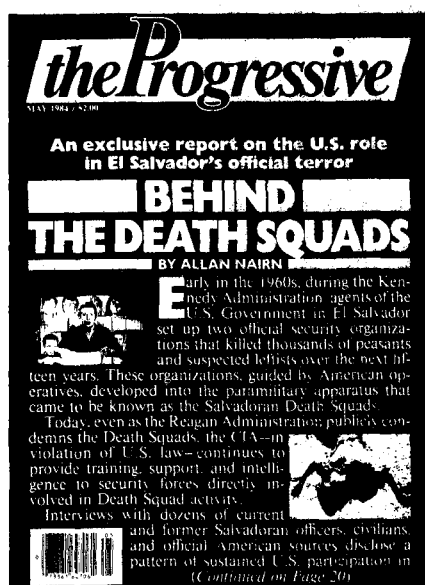
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and seized the leftover paint and brushes, hurling them over the barbed wire, making unintentional bright splotches of color inside the base.

That kind of action may do wonders for peace camp morale, but it achieves little beyond releasing tension and briefly humiliating the powerful. No TV cameras were there. The press has not turned up since April. But the women are not going anywhere. Neither, at this rate, are the cruises.

"They really ought to get out of here," said one woman who has come every weekend for more than two years, leaving her three children with her husband in Derbyshire. "And we're not moving until they do. We don't mind how long it takes. The newspapers may ignore us, but we're still here and the base knows we're still here. We've got too much commitment to give up now. I used to think of life as something merely nasty, British and short. It's nasty here all right, and not even particularly British, but for my children's sake I've got to do what I can to see that it isn't short." □

■ THE STING F.B.I.-STYLE

Crime in the Name of the Law

WILLIAM M. KUNSTLER

On May 1 the Democratic majority of the House Subcommittee on Civil and Constitutional Rights issued a report on government "sting" operations which create or facilitate crimes in order to trap susceptible individuals. The representatives condemned the use of the tactic by the Federal Bureau of Investigation and other law enforcement agencies. Citing a "pattern of widespread deviation from avowed standards with substantial harm to individuals," the panel called for legislation to force the Bureau and other law enforcement bodies to obtain court approval before planning and executing stings which, the report says, have the effect of "encouraging criminal activity." The report follows more than four years of investigation and twenty-one hearings concerning such elaborate stunts as Abscam and such narcotics trafficking traps as the one used to snare automaker John Z. DeLorean.

The first government-created crime to gain widespread public recognition was Abscam in 1979, which targeted one senator and six representatives. After convicted swindler Melvin Weinberg made the initial contacts, F.B.I. agents masquerading as Middle Eastern sheiks, replete with plush yachts, fashionable townhouses and phony businesses, offered substantial bribes to the legislators in return for promised favors. While many of the judges who presided at the subsequent trials expressed serious misgivings about the

techniques employed by the Bureau, only two dared to dismiss the cases before them as the product of entrapment. Those decisions were promptly reversed by intermediate appellate courts. All the Congressional defendants were eventually found guilty, and their convictions were upheld on appeal.

In December 1982, the Senate Select Committee to Study Undercover Activities of Components of the Department of Justice issued its final report on a number of similar sting operations conducted by the F.B.I., including three designated by the code names Frontload, Buyin and Labou. Like Abscam, those operations raise serious legal and moral issues, especially for a nation that professes to be committed to the highest principles of democracy. At the very least, they demonstrate the extreme danger that comes with entrusting too much unsupervised power to overzealous officers of the law.

In Frontload, Norman Howard, a white-collar criminal with an extensive record, played much the same role that Weinberg did in Abscam. The F.B.I. used Howard in connection with a 1978 investigation of organized-crime figures in construction projects financed by the Department of Housing and Urban Development in New York and New Jersey—an operation that did not result in a single prosecution. The scenario called for Howard to act as the representative of a legitimate insurance company capable of writing bids and payment and performance bonds for construction projects. Furnished with a phony corporate seal and all the necessary forms, Howard wrote several million dollars in performance bonds which enabled the companies under scrutiny to bid successfully on a number of HUD projects. The issuance of those bonds not only made possible a number of serious crimes—including the defrauding of a school district and a state housing authority—but prompted lawsuits totaling \$343 million against the Federal government. Howard, who absconded with an estimated \$1 million in premiums he had collected, apparently will not be prosecuted for his theft.

Buyin involved an F.B.I. undercover agent posing as an employee of a California-based company that wanted to invest in a gambling enterprise, assuming that casino gambling and slot machines would soon be legalized in Washington State. In 1978 the agent met a lobbyist in Olympia who said he was sure the Speaker of the Washington House of Representatives and the majority leader in the State Senate would be willing to introduce and support the desired gambling bill, provided they were adequately compensated for their efforts. An introduction to the solons could be arranged, the lobbyist told the agent. In addition to a promised percentage of the profits from anticipated gambling revenues, the F.B.I. also offered, and paid, thousands of dollars to the lobbyist as a "consulting fee" and to the Speaker as a "campaign contribution." What made those bribes particularly galling was the fact that the lobbyist, the majority leader and the Speaker were secondary to the investigation, whose primary target was a city official suspected of accepting bribes to permit illegal gambling to operate openly. Despite the taxpayer money thrown away on this ridiculous effort, charges against the official were never proved, the

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Senate Select Committee reported. The Speaker, the majority leader and the lobbyist were subsequently convicted of a handful of the charges against them and sentenced to five years each in prison.

Labou was part of a 1978 investigation into bid-rigging, bond irregularities and other aspects of alleged construction fraud in the Washington, D.C., vicinity. To help its probe, the F.B.I. went into the construction business, renting offices and renovating two houses in the District in what it termed "an elaborate facade [for] the most complex and expensive operation in our history." It first utilized one Richard Muffoletto, an independent businessman, to run the construction company, but when he proved unable to obtain bonding on a short-term basis, the Bureau became a co-indemnitor of all awarded projects and then full owner of the organization, which eventually completed four major construction jobs. According to F.B.I. testimony before the Senate Select Committee, Labou enabled "a corrupt major contractor" to bribe the bonding manager of the Allstate Insurance Company to "issue performance and payment bonds" to him.

A few more of the 316 sting operations conducted by the Bureau in recent years are worthy of mention. In Corkscrew, a five-year enterprise involving the Cleveland Municipal Court, a bailiff was furnished F.B.I. funds to bribe certain judges into fixing pending cases; instead, he pocketed the money and succeeded in damaging the reputations and careers of many innocent targets. In Colcor, agents posing as promoters of a new restaurant in dry Columbus County, North Carolina, proposed a referendum to legalize the sale of liquor by the drink in one town, and bribed a local politician to get it on the ballot. The successful referendum was eventually invalidated when the state board of elections found that it had been "initiated . . . with funds supplied by secret undercover government agents." In Greyford, which resulted in the June 14 conviction of a Cook County, Illinois, Circuit Court judge, agents introduced false cases into the legal system, impersonated prosecutors and defense attorneys in cases and even used an out-of-district judge to masquerade as a corrupt jurist. In Operation Recoup, a 1981 investigation into stolen-car racketeering, the Bureau set up a bogus used-car business in which wrecked automobiles were sold to "retaggers," who then replaced the motor vehicle identification tags on stolen cars with those lifted from the wrecks. With F.B.I. assistance, the hot cars were conveyed to used-car dealers who resold them to more than 250 innocent people, most of whom eventually lost their purchases.

The practice of creating crimes for what appear to be legitimate purposes has not been confined to law enforcement agencies. Some months ago, the prominent leather goods company Louis Vuitton suspected that its products were being counterfeited. In an unprecedented action, it got a Federal judge to designate two of the firm's attorneys as temporary government lawyers. They retained as a consultant Thomas P. Puccio, who had prosecuted a number of Abscam defendants, and hired one of the F.B.I. agents used in that operation. An extensive sting to obtain

evidence against the suspected counterfeiters proceeded in Los Angeles and New York City. As part of it, Vuitton brought Abscam's Melvin Weinberg back for an encore. Using the alias Mel West and posing as a casino owner anxious to enter the leather-counterfeiting business, Weinberg videotaped meetings with prospective defendants in hotels in both cities. On the strength of evidence collected during this scam, seven persons were charged with contempt, for violating a prior permanent injunction against copying Vuitton's products.

Even convicts have joined the parade. In 1983, on the heels of the Abscam convictions, Lee Kim Wah, a Chinese heroin dealer serving a long term at the Federal Correctional Institution in Otisville, New York, concocted a scam designed to secure his early release. Knowing that a fellow inmate, Louis Cirillo, was nearing the end of a twenty-five-year sentence for the sale of heroin, Wah, according to his trial testimony, convinced Cirillo that he had a cousin who made periodic heroin runs to the United States from the Orient. He then proposed that Cirillo arrange a rendezvous between this "cousin" and Cirillo's street contacts so they could consummate a substantial drug deal. With the aid of Drug Enforcement Agency personnel, an elaborate recognition procedure was created. Wah's "cousin," a Chinese-American D.E.A. special agent, met regularly with Cirillo's people, under surveillance, of course, and a number of telephone conversations were arranged and recorded. The only heroin ever involved, however, was a small quantity the D.E.A. flaunted as an inducement for Cirillo and the others to break the law. Cirillo has just been sentenced to an additional twenty years in prison on the basis of what was, from beginning to end, nothing more than a charade.

The most recent government sting case to receive wide at-



tention is that against maverick automaker John DeLorean. According to prosecution witnesses, DeLorean, whose firm badly needed working capital, was approached by a government informant who proposed a scheme to import and sell a large amount of cocaine. DeLorean, whose trial is taking place in Federal District Court in Los Angeles, was arrested during the alleged consummation of the transaction.

The viability of all such sting operations depends entirely on the fact that judges are increasingly reluctant to excuse defendants who claim they are victims of entrapment. Almost thirty years ago, the Supreme Court held: "The fact that government agents merely afford opportunities or facilities for the commission of the offense does not constitute entrapment. Entrapment occurs only when the criminal conduct was the product of the creative activity of law enforcement officials." Fifteen years later, the Court stated that the entrapment defense "focuses on the intent or predisposition of the defendant to commit the crime rather than the conduct of the Government's agent." The test approved by the Court for determining such "intent or predisposition" is, unfortunately, a highly subjective one, permitting what one dissenting Justice called "hearsay, suspicion and rumor" to be put before the jury by the prosecution.

It is high time our supposedly maturing society demanded that the courts redefine their approach to sting cases by focusing on the extent of government misconduct rather than on the inclinations of any particular sting's targets. That is the opinion of the overwhelming majority of informed commentators, including the prestigious American Law Institute. As Justice Potter Stewart put it in a 1977 dissenting opinion, "When the agents' involvement in [a criminal enterprise] is of a kind that could induce or instigate the commission of a crime by one not ready and willing to commit it, then—regardless of the character or propensities of the particular person induced—I think entrapment has occurred. For in that situation, the Government has engaged in the impermissible manufacturing of crime, and the federal courts should bar the prosecution in order to preserve the institutional integrity of the system of federal criminal justice." Amen! □

FOOTNOTE ON AN HISTORIC CASE: IN RE ALGER HISS

This just-published booklet by author William A. Reuben identifies 114 factual errors in the Federal District Court of New York's 1982 decision upholding Hiss's conviction for perjury in 1950. This flawed decision, upheld by the U.S. Supreme Court in 1983, stands as the last legal word on one of the most celebrated cases in modern history. 1 copy \$5, 10 copies \$40, 50 copies \$150, 100 copies \$250. Make checks payable to The Nation Institute and send to "Hiss," The Nation Institute, 72 Fifth Avenue, New York, NY 10011.

DEPOPULATING BANGLADESH

And the Poor Get Sterilized

BETSY HARTMANN AND JANE HUGHES

Hasna lives in a rural village in northeast Bangladesh. Last year, when her landless family failed to meet its dowry promise, her husband divorced her, and the 17-year-old returned to her brothers' house. With no means of support and under pressure from a local family-planning worker, she agreed to be sterilized in exchange for a small payment. Sterilization effectively destroyed Hasna's hopes to remarry: in a country where children provide not only a source of labor but also old-age security, few men will marry a sterile woman.

Hasna, who did not know her operation was irreversible, is one of more than a million people who have been sterilized in Bangladesh during the last five years. The military government of the country, which is one of the poorest and most densely populated in the world, aims to add to that figure by another 63,000 a month this year. The United States Agency for International Development (A.I.D.) has contributed millions of dollars to the drive, even though U.S. law expressly forbids aid to population control projects that offer incentives, like the payment Hasna received, or employ force, which has been reported in parts of Bangladesh.

A year ago, as part of an ongoing battle against what the Bangladesh government and various international agencies view as an urgent population problem, the army launched a campaign of compulsory sterilization in the northern district of Mymensingh. Military personnel forcibly rounded up villagers identified by local leaders as having more than three children and took them in trucks to a clinic where they were made to sign "informed consent" papers. Within a few weeks more than 500 people, mainly poor women, were sterilized against their will.

A.I.D. officials eventually pressured the Bangladesh government to halt that campaign. "The government knows it won't work with the army in the long run," said Jack Thomas, deputy chief of A.I.D.'s family-planning program in Bangladesh. "There'll be a backlash." However, the government's family-planning program, which A.I.D. backed to the tune of \$24.8 million in 1983—the agency's largest commitment to the population campaign of a single country—has also come under fire for employing coercive methods.

In theory, Bangladesh's birth control clinics offer a range

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of contraceptives from condoms to intrauterine devices, but in practice, sterilization is the method health workers emphasize. "Ask anyone in the system," said a U.N. official in the capital city of Dhaka. "They're pushing sterilization." In order to meet annual sterilization targets, the government recently introduced an expanded scheme of financial incentives and disincentives. Each person who agrees to be sterilized receives a payment of 175 taka, the equivalent of \$7, which is less than one-tenth the annual per capita income; each woman is given a new sari worth 100 taka and each man a lungi worth 50 taka. Doctors and clinic staff get a special payment for each sterilization they perform, and government health workers receive a fee for each client they bring to the clinics. Under a new directive, government family-planning workers who fail to meet at least 70 percent of their monthly sterilization quotas over a period of one year will be fired. If their performance is outstanding, they become eligible for cash bonuses and awards.

A.I.D. is supporting the government's sterilization scheme with \$4 million this year. Such assistance contravenes section 104(f) of the 1982/83 Foreign Assistance Act, which prohibits the use of U.S. funds "to pay for the performance of involuntary sterilizations as a method of family planning or to coerce or provide any financial incentive to any person to undergo sterilization." In Bangladesh, A.I.D. skirts the law by calling the incentives "compensation payments." Jack Thomas maintained that the money is intended to cover transportation, food costs, and wages lost due to the operation. The free saris and lungis are justified as "surgical apparel," since the peasants' clothing is considered unhygienic. "Just look at these people," Thomas said. "They're so dirty."

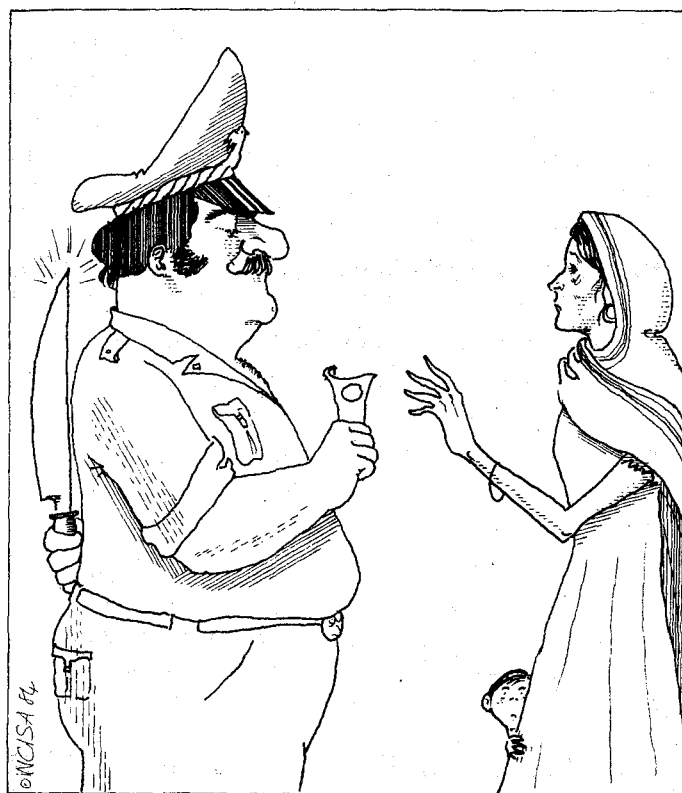
But in Bangladesh, where chronic hunger and unemployment are realities for much of the rural population, the distinction between compensation and incentives is no more than a semantic sleight of hand. One hundred and seventy-five taka can buy many meals for a hungry person, and a new piece of clothing is a powerful inducement for a man or woman who owns only one ragged garment. A Western health adviser in Dhaka who has been closely involved with the family-planning program for the last two years reports that the number of sterilizations increases dramatically during the lean season before the harvest, when many landless families are destitute. "Pure hunger is the motivation for sterilization," he said. A.I.D. figures show that when the incentive payments were increased last October, the number of operations that month more than doubled, to 62,399. The number rose again in November, to 70,612; in December, when the rice harvest began, it fell sharply to 37,099.

In 1982, following alarming reports of sterilization-related deaths caused by poor clinical practices, representatives of the World Bank, the World Health Organization, the Swedish International Development Authority and the Bangladesh government joined to study the effects of the population control program. Last September the team produced a report which raised serious concerns about the conditions under which sterilizations are carried out.

Informed consent is, officially, the basis of the sterilization program, but the reviewers found that "consent forms are not adequately filled in at most of the centers." In more than 40 percent of the centers observed, clients were "not adequately informed about the permanent nature of the operation" or about surgical procedures. Those findings directly contradict A.I.D.'s official guidelines on sterilization, which insist on "the voluntary, knowing assent from the individual after he or she has been advised of the surgical procedures to be followed, the attendant discomforts and possible risks, the benefits to be expected, the availability of alternative methods of family planning, the purpose of the operation and its irreversibility."

The reviewers also discovered shocking standards of hygiene. In 34 percent of the government's Family Welfare Centers, surgical gloves were not changed between operations; in 76 percent, surgical gowns were not changed and sometimes not worn at all. Almost half the centers did not sterilize equipment satisfactorily. The team felt compelled to prepare guidelines on such basic procedures as "how to scrub the hands for operation." Thomas admitted, "The places where these operations are carried out are not like you'd find in the U.S.A. or the U.K. Let's say the standard of cleanliness is not what you or I would want it to be." Knowledge of proper anesthesia techniques and emergency procedures was also found to be severely lacking.

Under such conditions one would expect a high rate of complications from the operation, but the team found that "case records are often not written up and complications are not recorded." A Western health adviser put it more bluntly: "If people die during the operation or there is a complication, their record cards will be torn up." As a result, the official death rate from sterilization operations in



Bangladesh is below that of the United States, a finding the review team diplomatically calls surprising.

Firsthand reports suggest that complications have reached alarming proportions in some areas of the countryside. A Dhaka shopkeeper who returned to his native Mymensingh village in December to help his parents with the harvest reported that when he tried to hire five destitute women to process the rice, they said they could not work because of "cut stomachs," their term for sterilization. Lured by the incentives, they had been sterilized in the lean season, when their landless husbands had migrated to other districts in search of work, leaving them without food. The operation had left them disabled, unable to husk rice or carry heavy loads, the routine work of village women. As a result their husbands had divorced them and they had become beggars. "This is not a population control program," the shopkeeper stated indignantly. "It's a population destruction program." Such stories indicate that the "client satisfaction survey" called for by the review team is long overdue.

Dr. K. Kanagaratnam, senior adviser to the World Bank's Population, Health and Nutrition Department and rapporteur of the review team, maintains that aid agencies bear no responsibility for abuses in the government sterilization programs they fund. "It's not the donors' responsibility to supervise government programs," he argues. "If you buy a car from me and then run someone over, is it my fault?"

But international aid agencies do bear responsibility because they have pressured Bangladesh to accelerate population control. The country's heavy dependence on foreign aid—which amounts to approximately \$1.5 billion a year—gives the donors great leverage over the government. In March 1983, before the annual meeting of the Aid Consortium in Paris, the World Bank, A.I.D. and U.N. agencies considered a position paper on population control in Bangladesh. The document called for a "drastic" reduction in population growth, the creation of an autonomous National Population Control Board with "emergency powers" and frequent visits by "high-ranking government and Army personnel" to promote family planning in the villages. It also recommended increasing the incentives—it didn't use the euphemism "compensation"—for sterilization and other forms of contraception.

The pressure from aid agencies intensified last June when World Bank vice president W. David Hopper sent a letter to Bangladesh's Minister of Finance and Planning, A.M.A. Muhith, instructing him to "outline necessary measures to strengthen the program so that agreed national population objectives could be met on time." The resulting government paper laid out the present aggressive sterilization policy.

Some aid officials, particularly Scandinavian donors, have voiced concern about the emphasis on sterilization and the possibility of coercion in the government program. Few deny that Bangladesh, where 93 million people live in an area the size of Wisconsin, has a population problem, but a number of development experts challenge the premise that birth control alone is sufficient to bring down the country's growth rate. Instead they stress the importance of insuring decent health care, employment opportunities for men

and women, education and old-age security, which would reduce people's dependence on large families and set the stage for a population decline. In the absence of those developments, population control efforts are usually futile and may actually divert resources from people's basic needs. As one official in Dhaka explained, "It is virtually impossible to interest government health workers in primary health care when they stand to gain so much financially from the sterilization fees."

Even within the agencies that are promoting population control most vigorously there is dissent over the methods employed in the sterilization program. Dr. Joseph Van Arendonk, director of the program division at the U.N. Fund for Population Activities, believes that the quotas and incentives are "inefficient as well as unethical." Dr. Stephen Sinding, director of A.I.D.'s Office of Population, also expressed reservations about the incentive scheme, which he said might conflict with principles of "Western voluntarism." However, those doubts carried little weight at this year's Aid Consortium meeting, where population control was at the top of the agenda. Despite the evidence of abuse collected by the donor countries, no changes have been made in the Bangladesh sterilization program. □

Yarmulke

(Continued From Front Cover)

ance outstanding in every area, including the category "Professional qualities (Attitude, dress, cooperation, bearing)."

Doubtless, Goldman's career would have continued on that placid plane had he not made a tactical mistake: he testified for the defense in a court-martial.

Now, military lawyers are not the brightest people. Even more often than lawyers in the civilian world, they succeed not because they are imaginative but because they memorize a monstrous slate of technicalities and petty rules. Sitting there in the witness chair, yarmulke perched in its usual place, Captain Goldman rubbed one of those military lawyers the wrong way, and that lawyer went to Col. Joseph Gregory, the base hospital commander, and pointed out that Goldman was violating the Air Force dress code.

Like everything else in the military, dress rules are detailed and complicated. Air Force Regulation 35-10, subsection 1-6(h) (2)(f) requires that "headgear will not be worn . . . while indoors except by armed security personnel in the performance of their duties."

Colonel Gregory informed Goldman that he could not overlook the complaint but that he would allow Goldman to continue wearing the yarmulke in the hospital. Wearing it elsewhere, however, would be considered taboo, and if Goldman disobeyed, he would be court-martialed.

Goldman protested that the rule would force him to go against his religious beliefs, but the more he argued, the more upset and intransigent Colonel Gregory became. Finally

Robert Sherrill is the author of Military Justice Is to Justice as Military Music Is to Music (Harper & Row).

the colonel issued a formal reprimand and canceled a recommendation that Goldman be permitted to extend his active service.

So Goldman sued the Air Force on the ground that it was depriving him of his First Amendment religious rights. He asked a Federal District Court in Washington to direct his employer to keep its hands off his skullcap. Goldman's chief witness was a military psychologist who testified that if the Air Force would stop acting so prissy about its dress rules and show a little flexibility—as the various services did when they allowed blacks suffering from ingrown facial hair to quit shaving—morale would improve.

Not so, argued the Air Force's lawyers; in fact, making an exception, they said, would undermine morale and emasculate the kind of manly obedience that breeds order, pride, "teamwork, motivation, esprit de corps, and image."

Unfortunately for the Air Force, its lawyers came to court with no studies to support their claim and presented a sloppy case; the court ruled against them, saying that the yarmulke was too unobtrusive to get excited about. The judge instructed the Air Force to leave Goldman alone and not to punish him if he continued to wear the skullcap with his uniform.

By that time officials at the Defense Department were alarmed. They felt that the establishment was under serious attack. Today a yarmulke, tomorrow a turban! And doubtless there were already revolutionary bounders out there plotting to invade the ranks with saffron robes! The Pentagon counterattacked with an appeal, prepared by Assistant Attorney General J. Paul McGrath and three other Justice Department attorneys, to the U.S. Court of Appeals for the District of Columbia. The case was argued March 22, 1983.

Captain Goldman's partisans probably thought they had the case sewn up. After all, the D.C. appellate court, with guys like Abner Mikva sitting on it, was supposed to be about the most liberal in the land.

Little did they know.

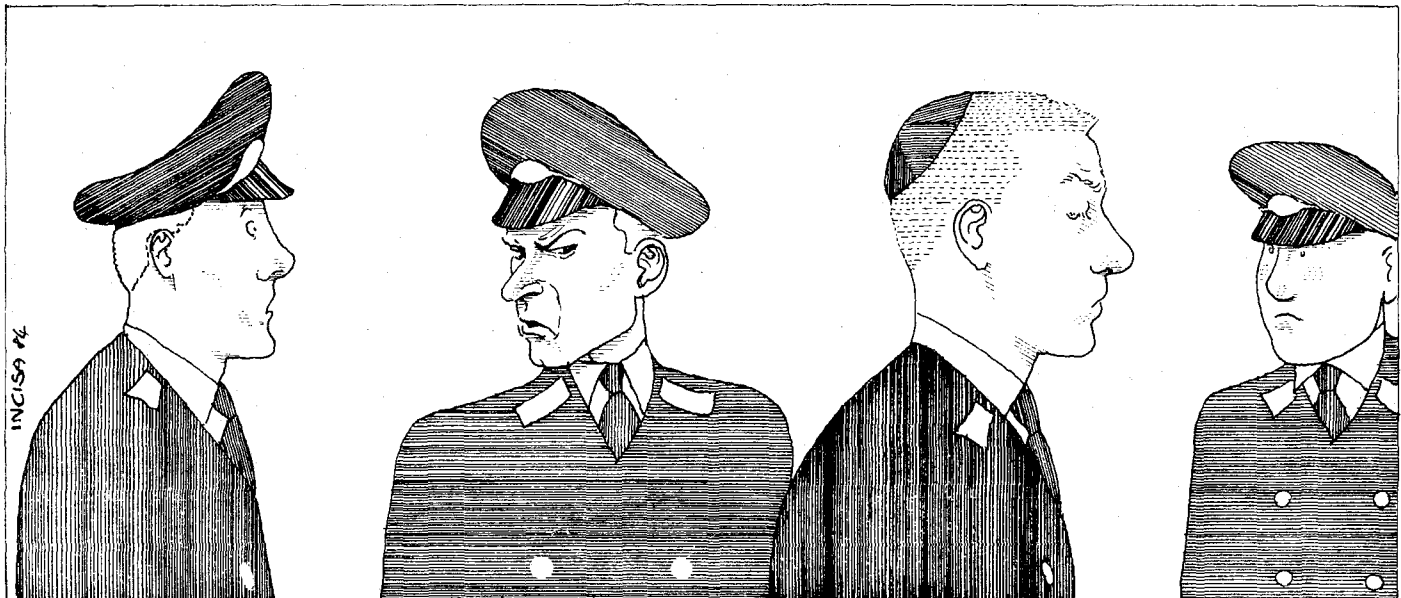
This May the appellate panel handed down its decision. The Court concluded that some of the Air Force's argu-

ments were silly and paraphrased a general's testimony that "one reason for scrupulous uniformity was safety, because, for example, an unauthorized hat worn on a flight line might fly into a jet engine and cause it to malfunction or explode." That might be quite true, said the Court, but wearing a yarmulke inside a mental health clinic would not likely cause the place to blow up. (The judges might also have pointed out that the Israeli Air Force, which is manned by many Orthodox Jews, has not yet lost a jet to a yarmulke.)

Furthermore, the Court considered "weak" the Air Force's argument that if it made an exception for yarmulkes, it would have to make exceptions for a variety of religious practices, "including wearing turbans, robes, face and body paint, shorn hair, unshorn hair, badges, rings, amulets, bracelets, jodhpurs, and symbolic daggers." Ah, said the Court, the Air Force needn't pretend it is above making exceptions, for didn't it specifically allow Mormons to dispense with military-issue undergarments and wear "temple garments" instead? Sure, the temple garments were unobtrusive, but hardly more so than a yarmulke. The Court also noted that the Air Force allows pilots to wear "lucky garters" and other fraternal bric-a-brac with their uniforms.

The judges clearly felt that the Air Force had blundered in letting the case get into court in the first place, that the de-yarmulking of Goldman was an abuse of authority and that the Air Force could give no sensible reason for refusing an exception: "The Air Force has no concrete interest separate from the effect of strict enforcement itself."

Still, that was good enough for the appellate court. No matter how nutty the Air Force dress code, the Court ruled, "We are nevertheless persuaded that the peculiar nature of the Air Force's interest in uniformity renders the strict enforcement of its regulation permissible. That interest lies in enforcement of regulations, not for the sake of regulations themselves, but for the sake of enforcement." Freedom of religion is absolute only when applied to belief, not to conduct, stated the Court, and it is not unconstitutionally restrictive of the Air Force to take off Captain Goldman's



yarmulke just for the sake of taking it off.

That is not the end of the story. Members of ethnic groups who get run over by bureaucracy often find a champion in Congress and sometimes even find relief in that body—if they are willing to put up with the hazing that goes with the process. Captain Goldman found his champion in Democratic Representative Stephen Solarz, whose Brooklyn district is heavily Jewish.

Solarz knew that the solution would be much more dignified if he could cut a deal with the Pentagon through private negotiations rather than have to present the case to his playful colleagues. So he called the Defense Department's Assistant Secretary for International Security Policy, Richard Perle, and asked if the ban on yarmulkes could be lifted, at

least temporarily. Since the only thing Perle is known to be interested in is blowing up the Kremlin, he was a strange choice as a negotiator of dress codes. Perle grumped and said he would turn the problem over to a deputy. A few days later the deputy called Solarz and said that after feeling out the various military branches, "the consensus seems to be that we would rather lose funding for the MX than have to accept the yarmulkes."

So Solarz had to go to the House floor, offering an amendment to the Defense Department authorization bill. It was a modest enough proposal, allowing a member of the armed forces to wear "at any time unobtrusive religious headgear, such as a skullcap, . . . unless such practice would interfere with the performance of particular military duties assigned to that member." Furthermore, the amendment specified that the skullcap freedom would be for only a one-year trial period.

Naturally, it was a temptation the clowns in the House couldn't resist.

Representative Charles Wilson of Texas wanted to know if the amendment would permit "the Indians from my district" who join the Air Force to wear war bonnets. And he was worried about the possibility that some Indians in the service might "claim the right to use peyote because it has a religious context"—an understandable concern, considering that just a few months before Wilson himself was answering allegations before the House ethics committee that he was a cocaine user. (He was later cleared.)

Solarz, who is a good straight man in the House's comedy act, responded that war bonnets would probably not qualify as "unobtrusive" and that, so far as he was aware, peyote was seldom used as headgear. He didn't bother to answer the complaints of Representative Thomas Hartnett, one of South Carolina's third-stringers, who said he could see the day when women in the armed forces who were "nuns or something" would exploit the Solarz amendment outlandishly.

The bill finally did pass the House, despite an attempt to cheat by Representative Dan Rostenkowski of Illinois, who was in the chair: he said the nays had it, but a head count showed he was off by 50 percent. When the bill got to the Senate, the Pentagon became somewhat hysterical. The office of Senator Orrin Hatch, who is sponsoring the bill (he's a profoundly religious Mormon), was overrun by a two-star Mormon general and others arguing to kill it. Hatch's legislative aide for defense, Cyndi Levy, began to get harassing calls and visits from Pentagon public affairs brass. On one occasion, when an Air Force major was letting her have it in the presence of David Dreyer, administrative assistant to Solarz, Dreyer interrupted: "Aren't you essentially saying that you want a WASP Air Force which would minimize any social and religious conflict? Would you favor a regulation ordering that recruiting posters carry an addendum saying, 'No Orthodox Jews need apply'?"

"Well, isn't it true that by scripture, Orthodox Jews are pacifists?" the major asked.

Dreyer replied that Orthodox Jews were the most defense-



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'WERE THE ROSENBERGS FRAMED?'

This historic debate, which was sponsored by The Nation and The New Republic at New York City's Town Hall last October 20th, has been described as "a political-literary brawl" (Los Angeles Times), at which "a cheering, jeering crowd of 1,500 followed every jab in a fight over history" (The Washington Post).

The main participants in the debate were: Walter Schneir and Miriam Schneir, authors, Invitation to an Inquest; Ronald Radosh and Joyce Milton, authors, and Sol Stern, research assistant, The Rosenberg File: A Search for the Truth; and Elizabeth Holtzman, moderator. There were also questions and comments from Michael Meeropol, Morton Sobell, Marshall Perlin, James Weinstein, Victor Navasky and others.

A complete record of this extraordinary event can now be purchased in transcript or cassette. Transcripts are available for \$24 each; cassettes are \$19 each. There are special discounts on orders of five or more. Send check or money order, payable to The Nation, to "Rosenbergs," The Nation, 72 Fifth Avenue, New York, NY 10011 (a project of The Nation Institute).

conscious patriots in Solarz's district and that in Israel they certainly have shown no reluctance to fight in the wars against the Arabs.

On another occasion Pentagon representatives visited Levy at her home and told her that the bill—and Hatch's support of it—would only make Americans dislike Jews because they would be seen as more loyal to Israel than to the United States. The Pentagon flacks wound up by suggesting that if she wanted any other job in town, she'd better get her boss to change his attitude on the bill.

The Senate in its usual fashion dealt with the issue by leav-

ing it up in the air. On June 15 it accepted a diluted amendment offered by Senator Hatch which makes no mention of religious headgear. It would create a study commission, consisting of Pentagon appointees, to make recommendations by the end of the year reconciling the religious interests of those in the armed services with the desire of the military to maintain "discipline and uniformity of appearance." The Secretary of Defense would then issue regulations as he sees fit. When it comes to the religious rights of Orthodox Jews or anyone else in the military, the Senate has apparently decided, Defense Department bureaucrats know best. □

EXCHANGE.

(Continued From Page 786)

various forms of harassment. At the same time, the Office of Security conducted illegal nationwide police-type operations.

Under the provisions of H.R. 5164, the C.I.A. would probably deny details of all those operations to F.O.I.A. requesters. Glasser says not. "All information in operational files concerning the subject matter of an investigation of improper or illegal conduct by the C.I.A. will be subject to search and review," he claims. "Such investigations may be conducted by the agency's inspector general or general counsel, by Congressional oversight committees or by the President's Intelligence Oversight Board."

But Glasser must know that the Intelligence Oversight Board is a useless policy-supportive entity. Relying on the various internal C.I.A. elements to investigate the agency's illegalities is like relying on the fox to guard the chicken coop. And although it is true that the Congressional Intelligence Committees may request search and review of "a specific subject matter of investigation," the C.I.A. constantly stonewalls and lies to those committees. The C.I.A. will interpret the language of H.R. 5164 precisely: Tell us exactly how we are violating the law, and we will search and review only that specific subject. Of course if the oversight committees knew such details, they would not need search and review.

In his most naïve observation, Glasser notes, "All information in operational files concerning covert operations will be subject to search and review, unless the very existence of the covert operation is properly classified information." My God! All covert operations are classified by definition, and the vast majority of C.I.A. operations are covert. I estimate that about 85 percent of all C.I.A. operations would fall into that exempted category. Its disinformation operations aimed at the American people, such as planting "Communist" weapons shipments and forging documents; its violent operations to overthrow other governments, as in Nicaragua today; its support of death squads; its covert operation in Indonesia in 1965 which resulted in the murder of more than a half-million innocent people—all

those and other such operations were and are, according to the C.I.A., "properly classified." If that isn't bad enough, President Reagan's Executive Order 12333 authorizes the C.I.A. to conduct its covert operations within the United States, in direct violation of its legislated charter; such operations will also be "properly classified."

I do not question Glasser's sincerity. The A.C.L.U. has represented me well in numerous legal battles with the C.I.A., and I much appreciate that help. However, in relation to H.R. 5164, Glasser reveals his naïve idealism and ignores the reality of the C.I.A. The elimination of properly classified covert operations from search and review—along with the other elements of the proposed legislation—will virtually free the agency from all provisions of the F.O.I.A. With this carte blanche we can be certain that restraints on C.I.A. dirty tricks will be removed. I suggest that the overriding objective of the A.C.L.U. and other Americans should be to protect and expand, rather than limit, the Freedom of Information Act.

Ralph McGehee

EXISTENTIAL INFORMATION

Washington

I do not ascribe evil motives to the A.C.L.U.'s support of legislation to lessen the C.I.A.'s obligations under the Freedom of Information Act. I strongly disagree, however, with Ira Glasser's contention that the pending bill will "prevent [the C.I.A.] from withholding any information it is currently obligated to release."

Under current F.O.I.A. procedures, the C.I.A. (like all other agencies) is required to search for requested documents and, if taken to court, account for all located material and justify its withholding. Those justifications are contained in public indexes which generally list the dates, lengths and types of documents that are being withheld. Through this procedure, a requester can learn the volume and general nature of material in the custody of the C.I.A. An organization, for instance, can ascertain whether the agency maintains information relating to its activities and determine whether the information is of recent vintage. While it is true that the vast majority

of such documents are never released, the fact that they exist generally is.

The pending legislation will relieve the C.I.A. of its obligation to locate and account for information in operational files, thus ending a requester's right to obtain even indexes of withheld material. To my mind, the fact that records exist is information, and often significant. In most cases, public access to that information will end if the A.C.L.U.-supported legislation is enacted. While the bill might represent a compromise born of political reality, it is not, as Glasser claims, "a significant step forward." David L. Sobel

WHOSE VICTORY?

San Francisco

In explaining the proposed Freedom of Information exemption for C.I.A. operational files, Ira Glasser says H.R. 5164 is a victory for supporters of the F.O.I.A. But my research shows it will empower Director of Central Intelligence William Casey to designate as exempt from release his files on domestic political operations. Why give Casey more secrecy powers when he's covered up so much already?

Glasser doesn't address the domestic-spying issue. Instead, he cites false facts basic to his argument and misstates the fundamental point: who wrote the legislation he supports. He says, "The A.C.L.U. set out to draft legislation that would spare the agency from searching through its operational files." But the C.I.A., not the A.C.L.U., drafted the proposed law Glasser supports. Senate Report 98-305 says then-Deputy Director of Central Intelligence Frank C. Carlucci first proposed the "exemption for certain operational files" in 1979, when the A.C.L.U. opposed and stopped it.

Glasser builds on his false premise and concludes that the operational files exemption is a victory because it means civil libertarians successfully beat back the agency's demand for a complete exemption. But the agency gave up its total-exemption dream in 1979 with Carlucci's proposal.

Which brings us to 1983. How did the bill get reintroduced? The C.I.A.'s Ernest Mayerfeld confirmed that the legislation was

revived only after assurances from the A.C.L.U.'s Mark H. Lynch that civil libertarians would consider supporting the exemption. The A.C.L.U. essentially promised to withhold opposition. Without that promise, the exemption would have died. "Our opposition would have killed it," Glasser rightly maintains.

Glasser says the bill defines "narrowly" the operational files it would exempt. But historians have told Congress that "operational files" can be what Casey wants them to be. The proposed law broadly, not narrowly, defines the files to be kept secret:

1) Those dealing with "counterintelligence" operations, the domestic aspects of which President Reagan authorized December 4, 1981. Domestic espionage has long been hidden in the to-be-exempted counterintelligence department.

2) "Intelligence" files, which also may be domestic.

3) Files concerning "security liaison arrangements," under which the C.I.A. has infiltrated domestic political newspapers, in cooperation with local law enforcement agencies and in violation of a law prohibiting C.I.A. police functions.

Besides covering up current or future illegal C.I.A. domestic espionage, the bill may help hide C.I.A. files on past abuses. It says only the *specific* subject matter of an investigation into C.I.A. wrongdoing will be released. The C.I.A. will decide what is "specific." How about C.I.A. files on dissident U.S. publications that Senator Frank Church's committee failed to inspect? C.I.A. attorney Mayerfeld told me he'd have to research which of those files on domestic newspapers would be available under the proposed law. I can't even get them under the current law. While Glasser says such information would be made public, the agency makes no such promise. Unfortunately, the C.I.A., not Glasser, holds the files.

Finally, if the A.C.L.U. is so victorious in this matter, Glasser might explain why journalists' groups oppose the legislation and resent the A.C.L.U.-C.I.A. deal. Those include the Newspaper Guild, the Society of Professional Journalists and the Radio-Television News Directors Association.

Angus Mackenzie

GLASSER REPLIES

New York City

With the exception of David L. Sobel's, the letters responding to my article show some talent for rhetoric and bombast but reflect little knowledge of the Freedom of Information Act or the proposed legislation and its history. It is possible and legitimate to disagree with the strategy of the proposed bill. But the letter writers misstate key facts in an apparent attempt to portray the bill as something it is not.

The Churchills claim that nowhere in the bill is there an effective provision for an independent check on C.I.A. decisions. To

prove their point, they quote Ernest Mayerfeld, the C.I.A.'s lobbyist, as saying that the bill has only "very limited judicial review." They do not tell us when Mayerfeld said that or what bill he was referring to. In fact, the Senate version, which the A.C.L.U. opposed, did not have full judicial review. But the House version does, because we insisted on it. Their mistake is typical.

The Churchills also say the A.C.L.U. recommended to Congress that it trust the C.I.A. Even a brief examination of our testimony and my article would demonstrate to any impartial observer that the opposite is true: we said throughout that the C.I.A. could not be trusted and insisted that specific provisions—such as the one requiring full judicial review—be added to limit the C.I.A.'s discretion. The Churchills say that under the 1973 Supreme Court decision in the *Mink* case, executive branch decisions are "virtually unreviewable" anyway and that the *Mink* decision "may well be the definitive comment" on the F.O.I.A. What they don't tell you is that in 1974 Congress amended the F.O.I.A. to overrule the *Mink* decision.

Mackenzie's respect for facts is equally limited. He says the C.I.A. gave up its desire to seek a total exemption from the F.O.I.A. in 1979. But in 1981, the Deputy Director of Central Intelligence, testifying before the Senate Intelligence Committee, continued to plead that the "C.I.A. and N.S.A. should be given a full exemption from the F.O.I.A." A small point, but it tells you something about the quality of Mackenzie's "research."

He goes on to claim that his research shows that the proposed legislation would give the C.I.A. new powers to "designate as exempt from release" files on "domestic political operations." He doesn't, however, tell you how it would do that or what specific provision he has in mind, because there is no such provision. The bill does nothing to change the law concerning what information must be disclosed. It merely exempts the C.I.A. from searching files containing information that is never disclosed.

Mackenzie has been asked, by the A.C.L.U. and by Congress, to produce a single piece of information he has received in the past that he believes would not be disclosed under the bill. But everything he has produced would still be disclosed. He claims that files relating to domestic spying would not be available. That is not true. A specific provision was added to the House bill to assure that they would be. The legislative history makes clear that the C.I.A. has "no legal authority to collect information on U.S. persons because of their domestic political activities" and that because such activities by the C.I.A. are improper, the files relating to them would be subject to search and review under the bill. Mackenzie also claims that "journalists' groups" oppose the bill. It is our understanding that the only press group to oppose the bill is the Newspaper Guild.

As to McGehee's concerns, the A.C.L.U. is well aware of the improper C.I.A. activities he lists; indeed, as he knows, we share his outrage and spend a good deal of time and resources resisting such activities. McGehee is afraid that information in operational files about such activities might not be subject to search and review under the legislation. We shared that fear and successfully argued in the House for an exemption requiring the C.I.A. to search and review its operational files concerning any C.I.A. activity that was improper, illegal or even the subject of an investigation for alleged impropriety or illegality. Given how automatic it is for an investigation to be initiated in response to any citizen's complaint, that provision affords an effective remedy. Moreover, at our urging, the House committee made clear that *all* "information concerning the specific subject matter of the investigation will remain subject to search and review" and that the scope of the search and review will be determined by the scope of the complaint, not limited to the particular documents reviewed during the investigation. The legislative history clearly answers the concerns of those who think the C.I.A. will have the lawful discretion to interpret that provision narrowly.

McGehee says all covert operations are now classified. That is basically correct. It means we normally can't get information on covert operations through the F.O.I.A. McGehee implies that the bill makes the law worse in this respect. But we insisted that the bill not change current law on this point, and it does not.

Finally, Sobel suggests that affidavits listing the titles of all documents responsive to an F.O.I.A. request would not be prepared under the proposed legislation. However, he is wrong to assert that the C.I.A. is now obliged to produce detailed public affidavits. They are rare, and we believe that those containing useful information—for example, concerning intelligence agency abuses—would continue to be available because of the exceptions we insisted on in the House bill.

We agree with all the letter writers that our chief objective must be to fight the Reagan Administration's campaign to increase secrecy and censorship and restrict the free flow of information. No organization devotes more resources to that fight than the A.C.L.U. And no organization has been more deeply involved in the fight to end covert operations and specifically to cut off funds for the C.I.A.'s "covert" war in Nicaragua. We view our support of H.R. 5164 as consistent with that fight. Reasonable people can disagree about the bill and whether it represents an incremental improvement in the F.O.I.A. But the persistent misrepresentation of the facts, and the attempt to elevate the disagreement based on those misrepresentations to a clash over basic principles, is not constructive and does not advance our mutual interests.

Ira Glasser

BOOKS & THE ARTS.

Born Yesterday

ALAN WOLFE

THE NEO-LIBERALS: Creating the New American Politics. By *Randall Rothenberg*. Simon & Schuster. 287 pp. \$16.95.

Randall Rothenberg has written the Yuppie's guide to politics, a book as insipid, confused and shallow as the neoliberalism it describes. Rarely have subject and object complemented each other so well. Machiavelli, after all, was far superior to the statesmen whose exploits he chronicled, while Louis XIV never attracted an interpreter who could match his skills. But here the symbiosis is perfect. A political movement that suffers from a short historical attention span, substitutes cliché for analysis and demonstrates consistent political cowardice is being celebrated by a writer whose style is borrowed from ad copy, whose command of recent American history is abominable and who contradicts himself so often that one would think he were running for office, not the best-seller list.

Neoliberalism, for those who have missed it, is the effort on the part of a younger generation of Democratic Party intellectuals and officeholders to question the party's commitment to New Deal spending programs. With Charlie Peters's *Washington Monthly* as its center, neoliberalism includes writers James Fallows and Michael Kinsley, economists Lester Thurow and Robert Reich, and New York City's all-purpose banker and self-described savior, Felix Rohatyn. There are numerous Representatives in the neoliberal ranks (Richard Gephardt of Missouri, Timothy Wirth of Colorado), a few Senators (Bill Bradley, Gary Hart) and some articulate Governors (Bruce Babbitt of Arizona, Richard Lamm of Colorado). Those men do not necessarily agree: Kinsley, for example, wrote a devastating piece on Rohatyn in *The New Republic*. Still, neoliberals have a well-defined sensibility, the contours of which can be outlined.

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Their basic complaint is that the "old" liberalism has been captured by organized constituencies that protect the status quo against badly needed changes. America has thereby become less productive and is unable to compete with more flexible societies such as Japan. Government and bureaucracy have stifled innovation and reproduced inefficiency. Social programs have not achieved their intended objectives but have instead given rise to an elite corps of managers who defend them for careerist reasons. Meanwhile, the military has also ossified; what it needs are smaller, more efficient programs, a sense of national dedication and compulsory service of some kind. Like John Kennedy, a premature neoliberal, these people want to get America moving again.

They have most definite ideas about how to do so. America must welcome foreign competition, not close itself off. Government should, through deliberate policy, benefit those industries that are rising and hasten the departure of those on the wane. (This, so far as I can tell, is the major difference between neoliberals and neoconservatives: the latter want the transition to occur as if by magic.) Silicon Valley, with its bearded and zesty Dewars' entrepreneurs, is the future that works. If we substitute market-based incentives for regulation, flat-rate taxes for loopholes, investment in human capital for education, small companies for monopolies and cooperation for class struggle, we can hold our heads high and no longer fear Toyotas.

Randall Rothenberg offers a precise date for the beginning of neoliberalism: January 19, 1977. On that day, the Dow Chemical Company decided not to build a plant in the San Joaquin delta near Sacramento, thus depriving the area of many potential jobs. For California Gov. Jerry Brown, Dow's decision was like a zen illumination. No longer would he exalt birds and sheep over economic growth. One prospective neoliberal—the son of the quintessential New Dealer, Pat Brown—had had his conversion. (Other neoliberals, such as Tennessee Representative Albert Gore Jr., are also sons of famous New Dealers.) Neoliberalism's much praised "realism," its decision to recognize that

we live in a gritty world of power and wealth where ideals must take second place to realities, stems, Rothenberg tells us, from the Dow decision.

As it happened, Dow's proposal was subject to the scrutiny of environmentalists, scientists and planners, and it was suspect from the start. Even Rothenberg admits that making cups out of styrene and vinyl chloride next to America's largest remaining marsh might not be good public policy. But that's the point. "Bleeding heart" types might raise environmental concerns but not neoliberals. Precisely because the Dow plant would damage the environment, support for it became a sign that one was no longer "into" morality or softheaded humanism.

"It's time to get more hardheaded," former Jerry Brown factotum (and one-time New Left activist) Fred Branfman told Rothenberg. "The Great Society rubric was to do things for *moral* reasons. . . . I had to throw off the shackles of liberal thinking. A lot of what was done in the name of morality was immoral, because it didn't work. My answer now is that our society should give everybody the *right* to be trained. Not out of charity, but because it is an economic necessity." [Emphasis in the original.]

As Branfman's remarks indicate, if neoliberalism has a style, it comes from the discourse of psychobabble. One reason the movement may be so popular in places like California and Colorado is not because those states are anti-labor and pro-Republican but because they are especially familiar with gurus and cults. "I had to throw off the shackles of liberal thinking," Branfman confesses, as if he was a reformed drug addict. "My answer now," he continues, recognizing that he might have a different answer later. Neoliberalism is like that: its history is inaccurate (the Great Society did, in fact, work surprisingly well); its ethics confuse efficiency with morality; and its time span is so narrow that it never looks far behind or ahead of the present moment.

Much the same could be said of Rothenberg's book. He seems to have learned history by talking to neoliberals and writing down what they told him. Thus he repeats their refrain that by the 1970s "growth had all but vanished from the liberal agenda" and, as evidence for that quite inaccurate asser-

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ELECTRONIC REPRODUCTION PROHIBITED

tion, cites a speech by Elliot Richardson, the Republican senior Senator from Rhode Island. In the real world, the Democratic Party pursued growth with more zeal than the Republicans: investment tax credits, for example, were a Kennedy innovation, while the Occupational Safety and Health Administration and the Environmental Protection Agency were established under Republican Presidents. History serves Rothenberg only as an occasional backdrop to his general method, which is to find out what Arthur Schlesinger Jr. and John Kenneth Galbraith said about a particular issue and then argue the opposite. That is why he gets so confused, interpreting the New Deal as an effort to protect interest groups or failing to see that the military reform movement is the heir, not the antagonist, of the 1960s Pentagon whiz kids.

As with history, so with economics. The neoliberals, desperate for an economist to rank with Adam Smith and John Maynard Keynes, settled on the great Austrian Joseph Schumpeter, and so, obediently, does Rothenberg. Unfortunately, he does not appear to have read Schumpeter, certainly not *Capitalism, Socialism and Democracy*. Anyone who had could never transform this deeply pessimistic, witty and ironic thinker into a cheerleader for small business. Monopolies, Schumpeter argued, were inevitable; intellectuals and politicians were the ones who would destroy capitalism by not appreciating its benefits. Capitalism was too good for this world, Schumpeter believed, and it was bound to give way to socialism because, in the modern era, epic sensibilities have been lost. Neoconservatives have been as attracted to Schumpeter as neoliberals, and so have many Marxists. Compared with today's one-dimensional economists, Schumpeter was a genius, but Rothenberg's interpretation of his work diminishes him beyond recognition.

I long ago gave up believing that politicians could speak with intelligence, but I maintain my hope that books about politicians can. Perhaps that is my mistake. Rothenberg's book is of the neoliberals, not about them. If limited attention spans and a distaste for complexity leads politicians to speak in platitudes, the same forces may compel their chroniclers to mimic that manner. Hence Rothenberg can write four sentences like these: "Small business. Micro politics. Markets. *Entrepreneurs*." [Emphasis in the original.] His style

means to reproduce neoliberalism's toughness. Punchy. Direct. Fast. Instead, it simply reinforces the point that neoliberalism pays more attention to style than to content.

Finally, as befits a book that bull-dozes history, Rothenberg contradicts himself repeatedly. He cites as good policy the efforts of states and localities to attract business and then comments favorably on a neoliberal study that indicates that "business location decisions almost never depended on explicit state development policies of any kind, including taxes." He praises Lester Thurow for finally "shedding the economist's traditional cloak of neutrality" when Thurow long ago wrote a book based on the proposition that economists are never politically neutral. He is enamored of the neoliberal's disdain for no-growth pundits but includes among neoliberal thinkers Amory Lovins, a

brilliant advocate of soft-energy paths. He describes the left as being anti-science, as if it were radicals and Marxists who favor creationism. Instead of making sense out of the confusing world of headlines and fast-running stories, Rothenberg reproduces the chaos he is trying to analyze. In the end, one learns a great deal about neoliberalism but not in the way he intended.

Not even the neoliberals deserve *The Neo-Liberals*. I would be among the last to defend Arthur Schlesinger Jr. and John Kenneth Galbraith (although compared with some of the people described in this book, they acquire a nostalgic charm). Much did go wrong with the old liberalism, and a few neoliberal writers—Reich, Fallows and Kinsley, for example—are wrestling in an honest way with the dilemmas of the modern world. They deserve a better fate than canonization by cliché. □

Bad Debts

ROBERT LEKACHMAN

DEBT SHOCK. By Darrell Delamaide. Anchor/Doubleday. 280 pp. \$15.95.

In more innocent and less complicated times, bankers were popularly, though inaccurately, believed to lend money only to borrowers who could demonstrate complete lack of need for the stuff. Bankers cheerfully foreclosed mortgages and threw widows and orphans into the snowy night. How could you tell which of a bank vice president's eyes was glass? Easy. It was the one with a glint of compassion.

Darrell Delamaide, a financial writer and European bureau chief for *Institutional Investor*, casts an expert eye on the frantic lending activities of Walter Wriston's Citibank, David Rockefeller's Chase Manhattan and their dozen or so counterparts here and abroad. Midway in his rapid survey of foolish conduct by eminent financiers, he comments: "What emerged in case after case was that banks lent not necessarily to the most creditworthy customers. They lent the most to whoever needed the most. Often enough, though, those who needed to borrow a lot did so because they were not making

any money." Or, as in the ballooning of sovereign debt, loans to Zaire, Poland and other Eastern European countries, Mexico, Brazil, Argentina and a long list of actual or imminent financial basket cases, banks participated in multibillion-dollar joint ventures out of herd instinct, greed for high interest rates and the utterly unhistorical confidence that governments never default for fear of being shut out of international markets. Of course, if bankers were literate, they might recall the misadventures of British investors in nineteenth-century American railroads, the misfortunes of thrifty French bourgeois who early in this century traded their gold for Imperial Russian bonds or, for that matter, assorted Latin American defaults in the 1920s.

Often our men, and an occasional woman, of finance act as if they would have snapped up shares in W.C. Fields's beefsteak mine. How else to explain the eagerness with which Chase acquired dubious energy loans from Penn Square—an obscure Oklahoma bank whose dominant figure drank beer out of his cowboy boot—or managed to finance, with very little supervision, Drysdale Securities' ill-conceived speculations in government securities? Once I had the honor of appearing with Felix Rohatyn on William Buckley's *Firing Line*. I asked my fellow guest whether the major money-market

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banks were bankrupt and if the same accounting rules applied to them as to other enterprises. Rohatyn cheerfully replied that if the regulators demanded that those banks realistically write down their inventories of shaky loans to a suitable fraction of their face value, a bloodbath would ensue.

That prospect explains why bankers, unlike you and me, are shielded from the consequences of their avarice and incompetence. Nobody knows and not many want to find out the consequences of a major bank failure—witness the Continental Illinois rescue operation under way. If they are big enough, banks enjoy the services of the Federal Reserve Board at home and the International Monetary Fund abroad. The Fed allows the banks to list as assets loans that nobody expects to be repaid. The I.M.F., in a perversion of the function John Maynard Keynes and Harry Dexter White designed it to serve, acts as a collection agent for the banks. Some of

the more valuable pages in this illuminating book deal with the I.M.F. as an instrument of international capitalism. Delamaide's verdict is harsh but fair:

IMF programs tend to heighten social tensions, block social reforms, and encourage political repression. Internationally the IMF prescriptions favor big business. . . . They increase foreign dependency by increasing foreign debt and making it all but impossible to selectively "decouple" a developing economy from the world economy in general.

How long can this top-heavy, fragile tower of debt stay upright? Delamaide is too prudent to date his prophecy of financial calamity, but he is certain that it is unavoidable. With the good luck that has accompanied him all his days, Ronald Reagan is likely to be re-elected before the storm breaks. He will be the last to recognize his own considerable responsibility for international financial catastrophe. □

And hide her away from the rest of the world

I wanna be the one to walk in the sun
And girls just want to have fun

Hazard wrote, "All my girls are gonna walk in the sun," so you could ascribe Lauper's change to nothing more than necessity: she had to sing something and she sure couldn't sing *that*. But it also reflects a different understanding of the song's meaning. So does the arrangement—the music leaves the carnival atmosphere of the rest of the record and becomes darker and denser at just this point.

On the *She's So Unusual* album, "Girls Just Want to Have Fun" acquires even greater resonance because it is sandwiched between Tom Gray's "Money Changes Everything," a song written by a man who understands perfectly the relationship between sexism and economics, and Prince's "When You Were Mine," in which Lauper again bends gender to her own purposes.

Finally, there is the inevitable rock video, in which Lauper creates her most explicitly stated revision of Hazard's song. Taken together, these three versions of "Girls Just Want to Have Fun" suggest that Lauper knows exactly what her record means. And as she has said in several interviews, it doesn't mean "girls just want to have sex." Instead, Lauper asserts, it means women should have the same leisure rights as men, and the first part of the song, with its depiction of parental and social restrictions, just catalogues all the innuendoes and pressures to which she declines to surrender.

On pop radio, where female desires are almost always expressed in terms of vulnerability and culpability, Lauper's rather modest assertion is downright intoxicating. Although the Go-Gos' 1982 hit "We Got the Beat" seemed to promise otherwise, women continue to occupy the extremely marginal position in white rock that they have held ever since the advent of the Beatles. (The role of women in black American music, including contemporary black pop, is more central and more complex.) "We Got the Beat" seemed to proclaim that women were ready to succeed within genre conventions but on their own terms. But the Go-Gos have taken almost two years to follow it up, and in the interim, the ground they established has lain fallow. There are a number of women involved in the arty areas of rock, but with the excep-

Big Girls Don't Cry

DAVE MARSH

To all appearances, both Cyndi Lauper, the helium-voiced singer, and her hit "Girls Just Want to Have Fun," the season's most exciting Top Ten record, conform to rock's prevailing sexist stereotypes. With her giddy intonations, Queens accent, Gracie Allen-style malapropisms and rummage-sale couture, Lauper has succeeded Boy George as the media's favorite pop idol and sexual cliché: the dumb blonde with a visual gimmick. And "Girls," with its patronizing title, suggests the predominant fantasy figure of rock—the roundheeled cheerleader, the good girl unleashed by the beat to become a sexual dynamo devoted to instant (male) gratification.

But Lauper has a gift for subversiveness and like many great pop records, "Girls Just Want to Have Fun" is not about its surface but about the contradictions just beneath. It would be silly to say that Cyndi Lauper uses her hit to demolish the stereotype it defines, but it is not at all silly to claim that Lauper uses "Girls Just Want to Have Fun" to wreak some damage on the

image of women in pop music.

"Girls Just Want to Have Fun," which Lauper has radically rewritten from Robert Hazard's original by changing precisely two lines, tells the story of a young denizen of Manhattan's nightclub demimonde, staggering into her parent's house at dawn to encounter parental suspicion and disapproval. At first, hers seems merely the spoiled complaint of a club-hopping brat whose favorite spots don't get going until more mundane folks are getting up for work. But the tension between the hiccuping vocal and the metronomic, electrified drumbeat pull your attention away from the verse to the chorus: "When the working day is done/Girls—they want to have fun." Those lines drone on and on, past the point of insistence, finally becoming an ironic comment on their overt meaning.

Or so you think after the song has been drummed into your head hour after hour on the radio. There is only one other hint that Lauper intends something other than the obvious, and it involves the most important change she made in Hazard's lyric. In the final verse, Lauper bears down, slowing the music without interrupting its cadence, in order to make certain she gets her point across:

Some boys take a beautiful girl

Dave Marsh is the editor of "Rock & Roll Confidential," a monthly newsletter about popular music and politics.

tion of Talking Heads bassist Tina Weymouth, none have had a hit, and so none have had pop impact, at least in the United States. The women who *have* had hits continue to be those who explore and exploit a fairly narrow range of female stereotypes, from the sluttishness of Pat Benatar and the icy aristocratic posing of Madonna to the vacuous coquetry of Linda Ronstadt and the acid queen postures of Stevie Nicks.

Only two women have been able to escape such constraints and still have hits: Lauper and the Pretenders' Chrissie Hynde. Hynde is one of the most important rock stars of the past decade, an American woman who leads a band composed of British men, a skilled songwriter with an intriguing and sensual voice, whose lyrics are often devastating descriptions of the uglier aspects of male presumption. Hynde cuts a cooler, more cosmopolitan figure than Lauper could ever hope for, and her latest album, *Learning to Crawl*, is both more consistent and more tough-minded than *She's So Unusual*, which falls apart after its near-perfect first

side, marred by lapses into bumptiousness and cuteness.

On the other hand, Hynde is a woman who has succeeded completely on male terms; she may be threatening because she assumes male roles with such alacrity, but there's not much shift in perspective required between admiring her and admiring, say, Elvis Costello. Hynde's imposing presence is, like all macho, not particularly applicable to any situation except her own.

Lauper's appeal is founded in ragged chic, klutzy dancing, an aptitude for tear-jerkers and the necessity of interpreting songs written by others (those others mostly men). All these conspire to enhance her vulnerability, a quality she uses as leverage to empower a specifically female interpretation of every song she sings. The discrepancy that one notices between hearing Prince sing "You didn't have the decency to change the sheets" (the key line of "When You Were Mine") and hearing a woman sing it is revelatory of writer, singer and situation.

Lauper is trapped in a male universe,

and she plays a dangerous game in her talk show appearances. If she becomes just another geek, this year's freakish pop star, losing the nuances of subversion that stem from her music and not her chatter, she could skid into the kind of career confusion that plagues Bette Midler. But I'm betting she knows how to tread that thin line. Lauper has begun to master what film critic Manny Farber once called "termite art," the ability to convert seemingly meaningless and ineffectual gestures to pointed purpose. Nowhere is that ability clearer than in the videos to "Girls Just Want to Have Fun" and the album's other hit single, "Time After Time," which quite deliberately and thoroughly confound the expectations of the new but already hackneyed (and often virulently sexist) music video genre.

The real revelation is the "Time After Time" video. This is the best of the songs that Lauper has co-written, and she clearly intends the video story line, about a small-town girl who has to leave because she's too "unusual" (arty and eccentric), to be autobiographical. But in fact, the tale better fits Hynde's flight from Akron, Ohio, to London than Lauper's leap from Queens to Manhattan.

"Time After Time" begins and ends with Lauper in tears, a Chaplinesque conceit that she gets away with the way she gets away with everything else—by copping to it. She cries, lying in bed with her boyfriend in a trailer parked in the woods while watching an old Hollywood movie at dawn, and she weeps again, when she's aboard the train that will take her away from home and family and lover: all that's safe and reassuring and, so the lyrics tell us, standing in the way of her dreams and designs.

The second spell of crying is more problematic than the first because Lauper's tears are shed for herself. Letting those huge glycerin droplets roll down her slightly pudgy cheeks as the song and her hometown fade away is the height of corniness. But her earlier weep reminds us that Lauper knows it, that she's not only aware of the redundant veneer of show business falsity but that she wants us to be aware of it too. Nevertheless, she refuses to distance herself from the bathos of the music and story line, and as a result she wins both ways: she manages to express something utterly sentimental without ever seeming naïve, but she doesn't seem cynical either. Any performer who can steer herself past that many shoals

ELEGY

For Stuart

You were waiting even then: as the bent light
focussed your glass and branded you, as the cello
plucked new music from the spaces you had hollowed
for it, thrusting it deep inside like an offender.

Even then it hurt. Your homing glance lashed
mornings to the clarion flare that burned through
each thick tear and sounded wider as it wandered
through new scales. But you were opening all the while

the while the way a wound does: slowly pulling at, against,
away from what you were, until your very burden
bore you forward of its own accord. Your patient
smile would surface like some gaping hull raised up on

straining winches to suggest how much the depths
held back—how much remained, as if reserved for
other times that even then were waiting, though
without you, in this hybrid place. What ripples

through this medium, then, can't properly be called
your voice, though it too splices syllables with
flickerings of song that seem indigenous but
aren't. How could they be? You took both here and there,

your comings and your goings when you left. Now
neither one remains to frame this double threshold.

Lee Edelman

of damnation is liable to speak to us forcefully for a very long time. □

THEATER.

PAUL BERMAN

**The Nest of the Wood Grouse
Imagination Dead Imagine
The Fetishist**

The most significant line in *The Nest of the Wood Grouse*, the new Soviet play at the Public Theater, comes typed on a slip of paper tucked in the playbill: "*The Nest of the Wood Grouse* is currently playing to capacity audiences at the Satire Theatre in Moscow." That is a remarkable bit of news. We almost never get to see genuine examples of Soviet popular culture. A hit in Moscow might as well be a moon rock in New York. Yet here one is, and knowledge of this excellent fact illuminates the play on three important levels.

It reminds us that *The Nest of the Wood Grouse* was not written on West End Avenue. We might otherwise suppose it was. The play is a drawing-room concoction in which Father (Eli Wallach) is paternally aloof; Mother (Anne Jackson) is warm but can't get close to Troubled Daughter (Mary Beth Hurt); Teen-age Son (Ricky Paull) has raised the rebel flag; Son's Girlfriend (Julie Cohen) comes from the wrong background; and the atmosphere seems faintly Jewish (this last feature is perhaps not an element of the Moscow version, though who knows?). And yet West End Avenue had nothing to do with it.

Wood Grouse's Moscow success likewise reminds us to banish thoughts of heroic dissidence from our minds. The play does take a dim view of the Soviet elite. Father has scotched his old ideals for a big career in the Foreign Affairs Ministry. Son-in-law (Dennis Boutsikaris) caddishly claws his way to power. People like these are running the Soviet Union. The bureaucracy is corrupt. Officials trade favors for favors.

Yet figuring Kremlinologically from the playbill, playwright Victor Rozov has apparently not been executed. He has not been sentenced to the gulag. He has been produced. This occasions a second glance at the play. Maybe it's not so dissident after all. On leaving the Public, one does notice uncharacteris-

tically jolly feelings about the Soviet Union. Perhaps that is because the less-than-model father is still a good Communist at heart. He loves his wife. He named his daughter Iskra after Lenin's newspaper. He won't abide religion in the home. He toasts world peace at family May Day celebrations. What could be so bad about such a man? As for corruption and favor-trading, are they really so terrible? Corruption gives bureaucracy soul. Be kind to a high-level official, and he'll get you a pass to the Gold Coast of Bulgaria.

The little slip of paper announcing *Wood Grouse's* Moscow popularity finally yields a large alarming thought about the Soviet Union and its people. The Russians would probably like Neil Simon. That is the large alarming thought. They might like him more than we do. Neil Simon to us is witty, slick and schlocky, but to them he would seem much the way Victor Rozov seems to us: witty, slick, schlocky—and sociologically fascinating. Optimists and professional Soviet-admirers will take comfort from this, reasoning that Russians and Americans are alike; but everyone else will take cover, recognizing that by a sad dialectic of history, nations that admire Neil Simon tend to be armed and dangerous.

The toast of the Obie Awards some weeks ago was a Mabou Mines production from last spring called *Through the Leaves*, in which a middle-aged woman butcher has a romance with a horrible insensitive lout of a workingman. The play is by F.X. Kroetz, formerly a West German Communist who has lately defected to the Greens and belongs to the jagged-edge school of realism. I myself didn't cheer as loudly for *Through the Leaves* as everyone else on Obie night. I wanted to call Amnesty International on behalf of the lout, who gets clobbered mercilessly. But certainly the production was tiptop and the actors—Ruth Malaczech and Frederick Neumann—were superb.

The actors have moved on to other productions, whither I have followed them. Whither Malaczech and Neumann go, thou shouldst go too, was my reasoning. It brought me to an obscure room upstairs at the Performing Garage on Wooster Street, where Malaczech has directed something called *Imagination Dead Imagine*, a monologue by Beckett. An unusual hologram shows a woman's body rotating on a bier while a voice on tape intones with Beckettian in-

tensity some lines about two bodies in a crypt. The bodies are dead, but perhaps not dead, and indeed alive; and it is all very perplexing. Also striking and memorable in mysterious ways. The voice belongs to Ruth Nelson, the veteran from Group Theater days in the 1930s. The performance lasts seventeen minutes, which is long enough. It costs \$2. It is not like Neil Simon.

Frederick Neumann's new play, meanwhile, is *The Fetishist* by French writer Michel Tournier (Ubu Repertory at the Perry Street Theater). Tournier is best

GIRAFFE

In an open jeep we
ease through the windless
quiet of a riverine forest
before dusk, searching
for animals, until
even the silent fall
of a thin acacia leaf,
or the small adjustments
of a bird among its feathers
hint of kudu, buffalo,
impala, moving in herds
toward the baffling
wire fences in the east.

A mile from camp, a crash
of branches and a thud among
the bushes spin us toward
a high, uprooted ebony
half-glimpsed as it overturns
through trees
but in the instant
disentangles
with a bound to lope clear
as a quivering bull giraffe!

Stunned, we know only
that we've come for this quick
leap of the senses
free as any creature
of these parts, the hoofbeats
entering the blood,
the shock of breathlessness
surviving even as the taut
giraffe lapses to stillness,
balancing the dappled reach
of neck and haunches,
the elaborate play of hexagons
like a rippling wall,
and now, above a swirl
of dust, the shy half-floating
movement of the head,
inviting us to what
terrain still here between
the animal and ourselves?

Peter Sacks

known for his novel *The Ogre*, which is supposedly the only novel in history to win the Goncourt Prize by unanimous vote. *The Ogre's* ogre is a 6 foot 3 inch, 250-pound microgenitalic gentleman who finds women revolting (he regards them as deformed men), finds men not too appealing either (he regards them as disfigured children) and prefers boys and girls under age 12. That preference turns into an obsession and gets the ogre into trouble. Fortunately, from his point of view, the Nazis conquer France. Ogres with obsessions about children have a place in Nazi society, as recruiters of Hitler Youth, so in a sense everything works out nicely. The book is also full of reflections on the inequities of church and state, and generally stands in the long tradition of subversive French philosophico-pervert literature.

Having read *The Ogre*, I was naturally eager to see a play called *The Fetishist* by the same author. This time the obsession turned out to be women's underclothes. The fetishist is mad for women's underclothes. He steals money to purchase them in quantity and one day attacks a woman in the métro to acquire her fetching garter. The escapade lands him in a psychiatric ward, where the question becomes, Is the fetishist insane? Or merely a man of unusual taste? Certainly not insane, not in Tournier's presentation. Fetishism is nothing but normality, concentrated. It is more erotic than normality because it's so sharply focused. And it illuminates the landscape. One day the fetishist's affections extend to well-worn franc notes, which he loves for their underclothing-like quality as well as for their ability to be exchanged for actual underclothes. Consumed with this new passion, he launches a pick-pocketing spree. This definitely isn't insane; it's what everyone does. Normal people fetishize money like mad, and make money a focus of erotic impulse, and loot and pillage to their heart's content to get more and more. But the form their fetish takes is socially acceptable, and they never notice it in themselves.

The Fetishist is like *The Ogre*, then—another subversive assault on sexual repression, capitalism and authority. But it is better than *The Ogre*, shrewder, funnier, briefer (if not quite brief enough). It seems to me better written, but in any case it's commendably acted by Neumann, under Françoise Kourilsky's direction. Neumann brings a rueful wit and pathos to the role, and

it helps too that he has such an effective set by Beth Kuhn to romp around in. Alas, *The Fetishist* is scheduled to close June 24. It was brought to us in part by the French government, in an obvious effort to undermine our institutions. □

FILMS.

ANDREW KOPKIND

Gremlins

Life was a dream in Kingston Falls, U.S.A., an Erewhon of earthly pleasures where even small failings were fun and all the Christmases were white, not to mention Easter, Thanksgiving and the Fourth of July. A simple set of rules—dietary restrictions, personal hygiene, that sort of thing—was enough to keep the peace; true liberty, after all, consists in strict adherence to the law. And there the tale of *Gremlins* begins. A careless breach of the perfectly reasonable restrictive covenants lets in the first family of strangers, a crew of dark and noisy youngsters who demand special attention and, literally, bite the hand that feeds them fried chicken legs at the hour that normal people are asleep. The rough beasts slouch into town, messing up public services, multiplying like crazy, crowding into the cinema, threatening innocent pedestrians and generally wreaking havoc on the local property values. They jam the friendly tavern, smoke incessantly, dig jazz and get drunk. Wherever they congregate, Quarterflash beats out rap music from an enormous ghetto blaster. They look like devils, and that's what they are. And there goes the neighborhood.

Well, not really. There's less to Steven Spielberg's subconscious than the neurotic parable about the death of American values that this brief synopsis suggests. His gremlin problem, and ours, has more to do with suburban ironies than with social anarchy. Beneath the moviemaker's malicious mask is a face wreathed in smiles.

Gremlins is very much Spielberg's baby, even though the credits name Joe Dante as director and Chris Columbus as writer. The story is that Columbus made a twenty-minute version of the picture (called *Gizmo*) at N.Y.U. film school a few years ago; Spielberg bought it and him, and hired Dante, who had done a few campy horror

flicks as well as a segment of *Twilight Zone—The Movie*, to do the day-to-day directing. The *auteur* of the big box office oversaw the project from start to finish.

The themes are all familiar from previous pieces of Spielbergiana. The setting is weird suburbia, overburdened with things that go bump all day long. In *Poltergeist*, the television spliced Mr. Rogers into N.F.L. football. Here, the food processor spins out of control, the coffee-maker drips mud and the microprocessors are plagued with chip failure. The focus is the family, but it is out of whack like the gadgets. Mom is long suffering; Dad is feckless, forgetful and often far away (in *E.T.* he has cut out completely; in *Close Encounters* he leaves his wife and joins another broken family). The authorities are unheeding (*Jaws*), spoilsports (*E.T.*) or plain cruel. In *Gremlins*, the town meanie, played with delicious overkill by Polly Holliday, nee Flo in the sitcom *Alice*, forecloses on an unemployed mortgagee and is accused of stringing up a dog with Christmas tree lights on a utility pole before she gets what's coming to her from the you-know-whos.

The things, the families, the dogs and the authorities seem to exist in a curious America that has jumped off the fast track. Careers, competition and *angst* are stashed far behind the matte backdrops and deliberately contrived sets. *Gremlins'* young hero, Billy (Zach Galligan), lives in a post-teen limbo of wage slavery, innocent love affairs, and VW bugs in need of a new solenoid starter switch. If there is a black in town, he is usually attached to the scientific establishment, where he can play out his responsible role in public and retreat into jive thoughts and tribal behavior when the whites leave him alone. The black high school science teacher (Glenn Turman) in *Gremlins* and the black paranormal researcher in *Poltergeist* have solved the American dilemma in a way that *Brown v. Board* only dimly envisaged: they support the social superstructure with a great sense of rhythm.

Spielberg himself is right there in late adolescent limbo, loving the things, the family and the white Christmases even when they go awry. Especially when they go awry. He even loves his own sappy endings: the graveyard desecration wrap-up in *Poltergeist*, the starship getaway in *Close Encounters* and the Chinese fortune cookie moral in *Gremlins*. "You are not ready," the wizened

old mandarin with one glass eye tells Billy and his family after they've mucked up Kingston Falls with gremlins. There is more to utopia than gizmos.

Gremlins is premium, triple-coupon, new and improved moviemaking. The trouble is that it begins to decay after about a half hour on the shelf. The genre that Spielberg has created, or at least concocted from the stock of Hollywood history, is all fluff and froth and cannot indefinitely bear the weight of its packaging. With *Gremlins*, Spielberg may have reached the dreaded *auteur's* crisis. If he continues in the present vein, his films will soon cease to work, even in the technical sense. If he grows up, he may very well lose the fun and the smiles. What we don't need, for sure, is another Woody Allen, trying to prove to the world that art is long and time is fleeting. □

DANCE.

MINDY ALOFF

Liebeslieder Walzer
Serenade

The New York City Ballet's brilliant revival of George Balanchine's *Liebeslieder Walzer* to the popular Brahms song cycles would be a major dance attraction at any time. That it crowns a series of public homages to the choreographer since his death a year ago lends the ballet's ghostlier touches a special poignance. That it coincides with a Brahms revival in the dance world at large, with a trend toward understated opulence in fashion and with a return of traditional dance forms to mixers and proms, makes it an event of cultural as well as artistic interest. The lavish new platinum-and-pink set by David Mitchell, based on a rococo pavilion in Vienna that took Balanchine's eye during a 1971 European trip, and beautifully proportioned to the theater's proscenium arch, seems as fresh as a room prepared for a party. The ballet is, in effect, a cross between a party and a séance. Four couples, in magnificent evening dress by Karinska, dance for half an hour in a ballroom to the music of six musicians, presumably also guests. After a brief intermission, the couples return, the women in point shoes and ballet dresses variously touched with black. The air, mys-

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teriously, feels a little colder.

Balanchine's *Complete Stories of the Great Ballets* describes *Liebeslieder Walzer* as "one waltz after another, all different, for changing aspects of love." From another point of view, it's a study of certain transformations and comparisons that fascinated Balanchine throughout his mature career. Its structure and tone are its meaning; its ultimate magic is the spectacle of unselfconscious human action. Commentators have tried to explore the link between Balanchine's inner life and the inner life—or, as Edwin Denby called it, the "secret image"—of *Liebeslieder*, but none of their conclusions seem definitive when you see the piece danced. The world of *Liebeslieder* is a remarkable forum for transactions of physical display and support, and the transferences of power between the dancers lead one to think of all sorts of relationships and processes: negotiating treaties, making art, seeking God.

As long as you account for the basic contrast between long-term loyalty and short-term risk, you can fill in *Liebeslieder's* plot with plausible stories. Apart from a few narrative ballets, Balanchine did not create dances for characters. He assembled particles of movement into patterns of action; it's the assembly and its transitions at least as much as the famous pictorial images that account for the emotional force of his work. In *Liebeslieder*, the alternation between face-to-face partnering (as in social dancing) and partnering in which both dancers face outward toward the audience (as in supported balletic adagio) is largely responsible for the sense one gets of looking now at flesh and blood, now at thought and dream, now at people in a ballroom, now at symbols in the mind.

Both casts of the new production are worth seeing, though the timing of the one with Suzanne Farrell, Patricia McBride, Kyra Nichols and Stephanie Saland is the more dramatic. The other is vaguer, less inclined to emphasize the resonances among gestures. The first cast looks as if it knows more about the ballet than the audience does; the second seems caught in the ebb and flow.

My favorite moments featured Kyra Nichols and Joseph Duell. The peculiar glory of Nichols's dancing here is that it isn't centered in her face; her expressive quality is entirely a matter of full-body projection. Two of her effects are as thrilling as any I have seen. The first occurs in her gentle pas de deux with Duell

toward the end of the first half. The ballerina touches her head with her hand, suggesting weakness, pain, even illness. Her partner brings the outsides of his wrists to her temples, conveying for a moment the image of wings. Suddenly, he's flying her on his outstretched arms. The transition from gesture to lift, from woman to wraith, is achieved so quickly and lightly one thinks of steam rising. The second moment is when Nichols takes a feathery assemblé jump in Duell's direction, and before the jump's downward arc, his naked hand "plucks" her out of the air and into his embrace. It is the force of her attack that gives the transition its surprise.

Over its thirty-two waltzes and concluding passacaglia, *Liebeslieder* tempts one to assign the couples moral ranks. The choreography for Saland and Ib Andersen, for example, keeps the dancers at odds most of the time. They don't have to do any acting to put across the idea of steady conflict; it's built into the mechanism of the partnering. The ballerina invariably takes a large, showy step, like a renversé, on her own power but depends on her partner to move her to another part of the stage. At several key moments when she breaks away to run forward on her own (or he lets her go) she brings herself up short and looks around, fearful or accusing. From *The Prodigal Son* onward, this kind of dependence rarely bodes well in a Balanchine pas de deux. It tends to suggest eccentricity, illness, deceit.

At the other end of the scale is the choreography for McBride and Bart Cook, in which the partners seem both independent and equal. Their motif is a playful, zig-zag approach to each other; of all the couples, they tend most often to make a bonded image through separate actions—the woman turning in place, say, as the man orbits her with one hand sweeping around her waist, like a child running around a tree. When they finally agree to deepen and enlarge an elemental movement they are nearly fused. I think especially of their climactic walk across the stage, when Cook takes McBride so low (to her knees) and so high (pulled up on point) that an onlooker feels privy to a penetrating confession. To me, seeing the ballet for the first time through Balanchine's pas de deux of the past ten years—the corporate mergers of *Mozartiana*, the deliberate manipulation of *Stravinsky Violin Concerto*, the tongue-in-cheek tragedies of *Viennu Waltzes*—this passage has a deeply

spiritual quality of mutual trust. An unmarried friend is convinced that it represents the ideal of married love.

A poet is thrown in the midst of three muses, their hair unbound, their intentions unclear. They rush into his arms, pull him nearly asunder, drive him ahead, lash him back, complete him in a score of mesmerizing ways and so keep him inching toward his fate. Suddenly, as in a cinematic jump cut, we're in a ballet class, watching students patiently learn the art of academic partnering. The change between those scenes may be the model for all subsequent leaps from turmoil to calm in Balanchine's work. The moment occurs in the last section of *Serenade*, celebrating its fiftieth anniversary this month along with the School of American Ballet, for whose students Balanchine devised his first and perhaps most intoxicating American exercise. In the recent School of American Ballet workshop performance of *Serenade* at the Julliard Theater, Suki Schorer, of the school's faculty, staged the ballet with a racing pulse. Some of the steps, like one girl's jackknife dive into the boy's arms, were taken with more daredevilry than the parent company displayed at its State Theater performance this season.

In the spring, I visited advanced classes at the school, taught by the three faculty members who put on workshop pieces this year: Schorer, Alexandra Danilova (*Aurora's Wedding*, staged with John Taras) and Stanley Williams ("Pas de Six" and "Tarantella," from Act Three of Bournonville's *Napoli*). Their teaching styles were widely dissimilar. Schorer, taskmaster and entertainer by turns, continually used both her body and her voice. Danilova, relaxed and tolerant, spoke almost the whole lesson from a seated position. Williams barely spoke at all. Instead, as the class proceeded like a car set on cruise control, he would circumnavigate the room, stopping next to this or that student to perform the exercise in tandem for a while, then moving on. The fewer the words, the more cerebral the atmosphere. But the actual principles each teacher transmitted reinforced those of the other two: Everything should look as clear as possible as quickly as possible. Transitions should not call attention to themselves. Maintain a direct and steady relationship between physical and musical rhythms. Dance in three dimensions. And don't let ambitions go until they bless you. □

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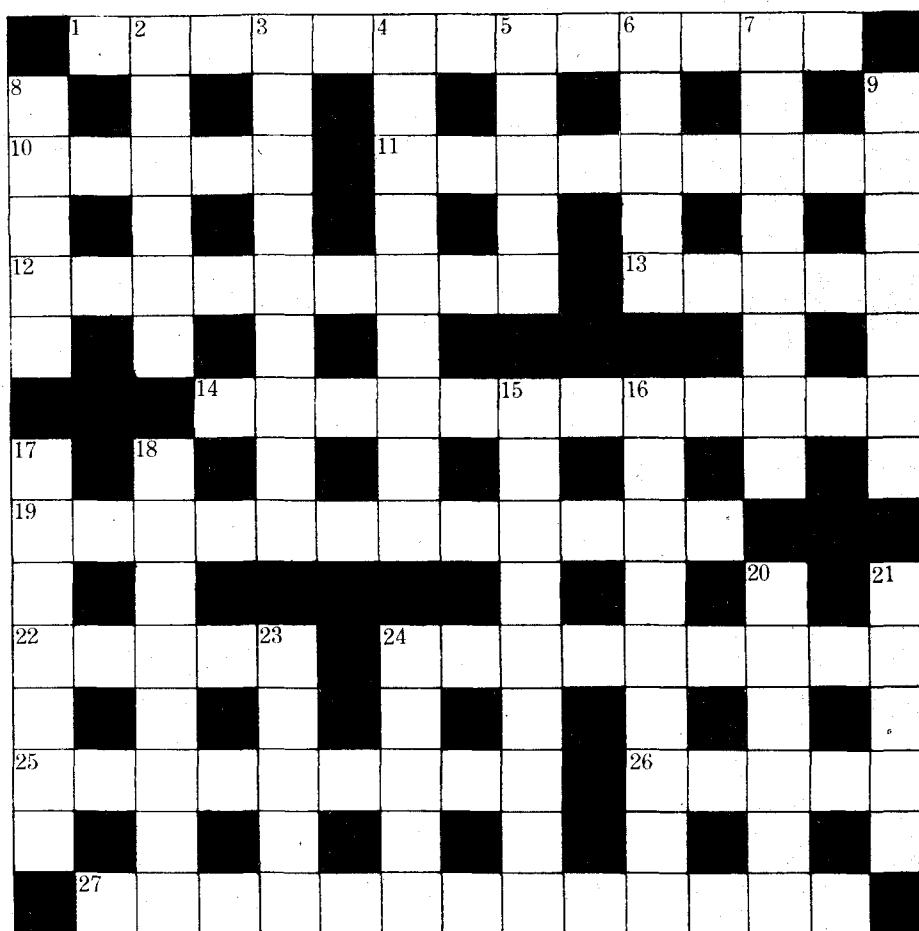
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ACROSS

- 1 The mundane male? (3-2-3-5)
- 10 They play with more than a number of sins, but less than the Muses. (5)
- 11 The principal strength of sea power? (4,5)
- 12 and 8 down Chatterbox? (9,5)
- 13 Variety of European thrush having a number on all but the front of the house. (5)
- 14 It's one in its own right, but so is Enid! (8,4)
- 19 People might be placed in an awkward situation if they want to test its power. (7,5)
- 22 Possibly wine (but not necessarily dined) with an actor such as 8. (5)
- 24 Begin suffering, ending up taking advantage of what is overspreading. (9)
- 25 It could be U.S.A.'s outer garments are included in it. (9)
- 26 Obviously public transportation doesn't go out where you find such a rural home! (5)
- 27 It would be neat to place this after the main course! (5-3,5)

DOWN

- 2 Ruth wasn't associated with him at the start, with a broken tail. (6)
- 3 The loser of the debate might be. (Frank, too!) (9)
- 4 A merry pot to stir for the nonce! (9)
- 5 Nolan, for example. (5)
- 6 Is it the character of Gluck, or Monteverde, or Feodor, taking no measure back? (5)
- 7 Get title for Eari's joint, perhaps. (8)
- 8 See 12 across
- 9 One frequently sees them on sports broadcasts, particularly quiet in some track events. (7)

- 15 Is lack of air what makes it possibly sour? (3,2,4)
- 16 One's job might be connected with station, one way or another. (9)
- 17 Doesn't agree with concrete things? (7)
- 18 The cry of battle almost sounds as though it rolls with the fighting. (3,5)
- 20 Holding the line, you might be waiting for one. (What might hold the corn up goes with wheat in France.) (6)
- 21 A common man acting for someone else? (5)
- 23 Descriptive of the twang that comes up in *Las Animas*, to start with. (5)
- 24 Commonly dear when shear. (5)

SOLUTION TO PUZZLE NO. 2014

S	P	R	I	T	E	S	R	E	C	E	D	E	D
U	O	H	T	E	R	E	E	E	E	E	E	E	E
C	H	O	L	E	R	A	G	N	O	S	T	I	C
R	S	S	F	W	S	R	O	O	O	O	O	O	O
O	N	T	O	P	O	F	O	L	D	S	M	O	K
S	E	O	E	U	R	I	E	E	E	E	E	E	E
E	N	D	U	R	E	D	S	W	E	A	T	E	D
U	P	S	H	O	T	S	P	L	E	D	G	E	D
M	P	F	T	O	R	R	E	E	E	E	E	E	E
B	R	E	A	K	F	A	S	T	C	E	R	E	A
R	C	I	N	S	N	N	I	I	I	I	I	I	I
A	C	T	I	N	I	C	D	E	C	L	A	I	M
G	R	G	E	A	E	D	I	I	I	I	I	I	I
E	L	A	P	S	E	S	M	I	S	C	A	S	T

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